

or white perch, catfish, perch, bream or trout taken from any of the fresh waters of these counties; providing a penalty; repealing all laws and parts of laws in conflict, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

FORTY-FIRST DAY.

(Continued.)

(Tuesday, April 14, 1931.)

The House met at 9 o'clock a. m., and was called to order by Speaker Minor.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Petsch (by unanimous consent), Senate bills Nos. 375 and 382 were ordered not printed.

HOUSE BILL NO. 312 ON SECOND READING.

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 312, A bill to be entitled "An Act requiring the commissioners court of all counties and the governing bodies of all cities and towns to advertise for bids on projects respecting public improvements where the contract or agreement involves an expenditure of money in excess of \$1000, and providing for advertisement and notice thereof; providing that the contract shall be let to the lowest bidder, and requiring bond; permitting certain exceptions, and providing that contracts made without compliance therewith shall be void, etc., and declaring an emergency."

The bill having heretofore been read second time.

Mr. Petsch offered the following (committee) amendment to the bill:

Amend House bill No. 312 by striking out all above and below the enacting clause and insert in lieu thereof the following:

H. B. No. 312, A bill to be entitled "An Act requiring commissioners courts and the governing bodies of cities and towns in this State to ad-

vertise for bids on projects respecting public improvements; providing for advertisement and notice thereof and the letting thereof to lowest responsible bidder, and requiring bond; regulating the issuance of warrants in payment therefor and providing for a referendum and election by the qualified property tax-paying voters when requested; providing for the funding of the existing indebtedness of counties and cities; repealing all laws in conflict herewith, and declaring an emergency."

Section 1. The word "city" as used in this act shall include all cities and towns incorporated under general or special law, and all cities operating under charter adopted under the provisions of Article 11, Section 5, of the Constitution of Texas, unless especially except under the terms of this act.

The term "governing body" as used in this act shall include the governing body of every city, whether designated as "Board of Alderman," "City Council," "City Commission," or otherwise.

For the purposes of this act the term "current funds" shall include money in the treasury, taxes in process of collection during such tax year, and all other revenues which may be anticipated with reasonable certainty during such tax year, the twelve months succeeding the date of the order or ordinance approving the contract based upon such funds.

The term "bond funds" shall include money in the treasury already received from the sale of bonds, and the proceeds of bonds theretofore voted but not yet issued and delivered.

The term "time warrant" as used in this act shall include any warrants issued by a city or county not payable out of current funds.

The short title of this act shall be "Bond and Warrant Law of 1931."

Sec. 2. No county acting through its commissioners court, and no city in this State, shall hereafter make or enter into any contract or agreement for the construction of any public building, or the prosecution and completion of any public work requiring or authorizing any expenditure in excess of \$2000, creating or imposing an obligation or liability of any nature of character upon such county,

or any subdivision of such county, or upon such city, without first submitting such proposed contract or agreement to competitive bids. Notice of the time and place when and where such contract shall be let shall be published in such county (if concerning a county contract, or contract for such subdivision of such county) and in such city (if concerning a city contract), once a week for two consecutive weeks prior to the time for letting such contract, the date of the first publication to be at least fourteen days prior to the date set for letting said contract, and said contract shall be let to the lowest responsible bidder—the court or governing body shall have the right to reject any and all bids—and said bidder shall be required to give good and sufficient bond in the full amount of the contract price, for the faithful performance of such contract, executed by some surety company authorized to do business in this State in accordance with the provisions of Article 5160, Revised Statutes of 1925, and amendments thereto. If there is no newspaper published in such county, the notice of the letting of such contract by such county shall be given by causing notice thereof to be posted at the county courthouse door for fourteen days prior to the time of letting such contract. If there is no newspaper published in such city, then the notice of the letting of such contract by such city shall be given by causing notice thereof to be posted at the city hall for fourteen days prior to the time of letting such contract. Provided that, in case of public calamity, where it becomes necessary to act at once to appropriate money to relieve the necessity of the citizens, or to preserve the property of such county or city, this provision shall not apply; and provided further, that it shall not be applied to contracts for personal or for professional services, nor to work done by such county or city and paid for by the day, as such work progresses.

Provisions in reference to notice to bidders, advertisement thereof, the furnishing of surety bonds by contractors and the manner of letting of contracts, as contained in the special charter of a city, where such provisions provide smaller amounts requiring advertisements or longer advertisement in newspapers, if in conflict with the provisions of this sec-

tion, shall be followed in such city, notwithstanding any other provisions of this act.

Any and all such contracts or agreements hereafter made by any county or city in this State, without complying with the terms of this section, shall be void, and shall not be enforceable in any court of this State, and the performance of same and the payment of any money thereunder may be enjoined by any property tax-paying citizen of such county or city.

Sec. 3. When it shall be the intention of the commissioners court, or of the governing body, to issue time warrants for the payment of all or any part of the proposed contract, the notice to bidders required under Section 2 of this act shall recite that fact, setting out the maximum amount of the proposed time warrant indebtedness, the rate of interest such time warrants are to bear, and the maximum maturity date thereof.

Sec. 4. If, by the time set for the letting of the contract, as many as ten per cent in number of the qualified voters of said county, or city, as the case may be, whose names appear on the last approved tax rolls as property taxpayers, petition the commissioners court, or governing body, in writing to submit to a referendum vote the question as to the issuance of bonds for such purpose, then such commissioners court, or governing body, shall not be authorized to make said expenditure, and shall not finally award said contract unless the proposition to issue bonds for such purpose is sustained by a majority of the votes cast at such election. The law in reference to elections for the issuance of city and county bonds as contained in Chapters 1 and 2 of Title 22, Revised Statutes of 1925, shall govern insofar as consistent with the provisions of this act. The law in reference to the issuance, approval, registration and sale of bonds as contained in Chapters 1 and 2, Title 22, Revised Statutes of 1925, shall govern insofar as consistent with the provisions of this act. Provided, that all such bonds shall mature and be payable as provided herein for funding bonds.

If such petition is not so filed with the county clerk, or the city secretary or clerk, then the commissioners court or the governing body may proceed with the final award of the contract

and with the issuance of said warrants, but in the absence of such petition, the commissioners court or governing body may at its discretion also submit such question to a vote of the people.

Sec. 5. The notice required in Section 3, and the right to referendum election defined in Section 4, shall not be applicable to expenditures payable out of current funds or bond funds, as above described, nor to additional expenditures by counties unless in excess of \$500 for each \$1,000,000 or a part thereof, of taxable property in said county, according to the last approved tax rolls; provided, however, that in counties of a valuation of less than \$6,000,000, said restriction of \$500 for each million dollars shall not apply, but in lieu thereof the maximum authorized warrants shall be \$3000 annually; said \$500 for every million dollars of property shall be the maximum amount of time warrants for all purposes to be issued by such county during the current calendar year, including the proposed expenditure, except in the counties of a valuation of less than six million dollars as above provided; and provided further that no such warrants shall ever be issued by a county in excess of \$100,000 for any one year, without the duty to give notice and the right to referendum provided in Section 3. If in excess of the maximum, the expenditure cannot be authorized until the expiration of the time for filing the petition for referendum vote has expired. The notice required and the right to referendum election defined in Sections 3 and 4 shall not be applicable to expenditures payable out of the current funds or bond funds, as above described, nor to additional expenditures by cities unless in excess of \$5000 for cities having a population of 5000 people, or less, as shown by the Federal census immediately preceding; in excess of \$10,000 for cities having a population of more than 5000, and less than 25,000 as shown by the Federal census immediately preceding; in excess of \$25,000 for cities having a population of more than 25,000 and less than 50,000, as shown by the Federal census immediately preceding, and in excess of \$100,000 for cities having a population of more than 50,000, as shown by the Federal census immediately preceding. Said respective amounts above described shall be the maximum amounts of time warrants for

all purposes to be issued by such cities during the current calendar year, without the duty to give notice and the right to referendum, provided in Section 3; otherwise, the expenditure can not be authorized until the expiration of time for the filing of petition for referendum vote has expired, including the proposed expenditure.

Provided that, in case of public calamity caused by fire, flood, storm, or to protect the public health, the commissioners court or the governing body may issue such time warrants as necessary to provide for the immediate repair, preservation or protection of public property and the lives and health of the citizens of such county or city, irrespective of the limitations contained in this section and the restrictions imposed by Sections 3 and 4 hereof.

Sec. 6. The provisions of Sections 3 and 4 of this act shall not apply to expenditures for, or relating to paving, drainage, street widening, and other public improvements, the cost of at least one-third of which is to be paid by or through special assessments levied on properties to be benefited thereby. The provisions of this act shall not affect projects for public improvements theretofore lawfully authorized, or that may hereafter be lawfully authorized by a vote of the people, and where there may be a deficiency of funds to complete same in accordance with the plans and purposes authorized by the voters. The provisions of this act shall not apply to bonds of warrants issued under Title 118, Revised Civil Statutes of 1925, pertaining to sea walls.

Sec. 7. The commissioners court of any county or the governing body of any city in the State of Texas may pass all necessary orders and ordinances to provide for funding or refunding the whole or any part of the existing debt of such county or city, by cancelling evidences thereof and issuing to the holders or creditors, notes, bonds or treasury warrants, with or without coupons, bearing interest payable annually or semi-annually, at a rate not to exceed six per cent (6%) per annum. The exercise of such authority shall be regulated as follows:

(a) Such commissioners court and such governing bodies shall have the right at all times to issue refunding bonds for the refunding of any out-

standing bonds and outstanding matured interest on any outstanding bonds, subject to laws applicable to the issuance of refunding bonds and without the necessity of any notice or right to a referendum vote.

(b) Such commissioners courts and governing bodies shall have the power to provide for funding the whole or any part of the debt of their respective counties or cities, existing at the time this act becomes effective, except that which was created upon the condition that it should never become a charge upon the general revenue of such county or city, to cancelling the evidences of such indebtedness and issuing to the holders or creditors, notes, bonds, or treasury warrants; provided that if funding bonds are delivered, the evidences of the original indebtedness shall be surrendered to the Comptroller of the State of Texas and cancelled by him prior to the registration of such funding bonds and prior to their delivery to said holders or creditors.

(c) Such commissioners courts and such governing bodies shall have the power to fund or refund any and all outstanding evidences of indebtedness, existing at the time this act becomes effective, into notes or treasury warrants with or without coupons, in accordance with this act and in accordance with the law as it exists at the time this act becomes effective.

The funding bonds hereby authorized shall be payable serially not exceeding forty years from the date thereof, in such installment as will make the burden of taxation to support same, approximately uniform throughout the term of said bond issue. Such bonds shall be executed and issued in the same manner now provided by law for the execution and issuance of bonds to refund outstanding county or city bonds. Said bonds shall bear interest not exceeding six per cent (6%) per annum, and shall be approved by the Attorney General and registered by the State Comptroller in the same manner as other county or city refunding or funding bonds.

(d) After this act becomes effective, no item of indebtedness thereafter issued (except bonds and matured coupons thereon) shall be funded or refunded except in the manner hereinafter in this subsection prescribed, to-wit:

Notice of intention to issue such refunding bonds, including a statement of the amount and purpose of such bonds, shall be published at least once in a newspaper of general circulation within such county, or within such city, as the case may be, at least fourteen days before the meeting of the commissioners court or of the governing body, at which time it is proposed to issue such bonds. If no newspaper is published in such county or city, as the case may be, such notice may be posted at the courthouse door of the county, or at the city hall, as the case may be, at any time before the date fixed for the issuance of such bonds. Not less than 10 per cent of the qualified property taxpaying voters of the county, as shown by the records in the office of the county tax collector, or in the office of the city tax collector, as the case may be, may file a petition in the office of the county clerk or city secretary or clerk, praying the court or the governing body to order an election for the purpose of submitting the proposition to issue such bonds to a vote of the qualified property taxpaying voters of the county or city, as the case may be; upon the filing of such petition, such court or governing body shall, at the next meeting thereof, order an election to be held in such county or city to determine whether or not such funding bonds shall be issued as indicated in such petition.

The commissioners court or governing body shall determine the time and the place or places of holding said election; and the manner of holding same shall be governed by the laws of the State regulating elections for the issuance of other county or city bonds under Chapters 1 and 2, Title 22, Revised Civil Statutes of 1925. If the proposition for the issuance of such bonds be sustained by a majority of the property taxpaying voters, voting at such election, then such bonds shall be authorized and shall be issued by such commissioners court or governing body.

In the event no such petition is presented to the commissioners court or governing body within the time hereinabove prescribed, no election on the proposition shall be required, and such court or governing body shall then have the power to pass all necessary orders to provide for cancelling or funding the indebtedness described in such published notice of intention to fund said debts, and may cancel the

evidences thereof by issuing to the holders the necessary amount of funding bonds.

The funding bonds hereby authorized shall be payable serially not exceeding forty years from the date thereof, in such installments as will make the burden of taxation to support same approximately uniform throughout the term of said bond issue; such bonds shall be executed and issued in the same manner now provided by law for the execution and issuance of bonds to refund outstanding county or city bonds. Said bonds shall bear interest not exceeding six per cent (6%) per annum, and shall be approved by the Attorney General or the State Comptroller in the same manner as other county or city refunding or funding bonds.

The commissioners court of any county and the governing body of any city shall at all times have power, without notice or the right to referendum, to fund or refund any item of indebtedness created in accordance with the provisions of this act to prevent or relieve a default or an impending default in the payment of principal or interest.

Sec. 8. Any warrant bond, funding bond, refunding bond or other evidence of debt or obligation created, or attempted to be created, by the county commissioners of any county, or the governing body of any city in this State, in violation of or contrary to the provisions of this act, shall be void, and the payment thereof may be enjoined by any taxpaying citizen of such county, or any taxpaying citizen of such city, in any court of competent jurisdiction in such county.

Sec. 9. In all cities operating under special charter, the provisions of this act shall apply, providing for a referendum vote where the proposed expenditure is not payable out of current funds or bond funds, and requires the issuance of time warrants in excess of the permitted amount. This act shall not repeal provisions of special charters providing any additional rights to referendum elections. The rights, power and duties conferred on and imposed in all cities in reference to the issuance of funding or refunding bonds and warrants shall be applicable to all cities, irrespective of charter provisions to the contrary. All laws, general and special, and parts of laws in conflict

herewith, are hereby expressly repealed. Article 2368, Revised Civil Statutes of 1925, is expressly repealed.

Sec. 10. Nothing herein shall be so construed as to preclude any city or town in this State, whether organized under general or special law or operating under special charter, from encumbering or mortgaging its light system, water system, sewer system, or any other utility, either, both or all, and the franchise and the income thereof and everything pertaining thereto, acquired or to be acquired, to secure the payment of funds to purchase same or to make or purchase extensions, additions or improvements thereto, as contemplated in Articles 1111 to 1118, both inclusive, of the Revised Civil Statutes of Texas, 1925, with amendments thereto, or by valid provisions of the charter of such city or town, or by the provisions of Article 1175, Revised Civil Statutes of Texas, 1925; provided, that in making such contracts or agreements or encumbrances and in issuing revenue bonds, warrants or other obligation to be paid out of the property and income from such system or systems, the governing body of such city or town shall comply with the provisions of this act in regard to notice and competitive bids and the right to a referendum of such question.

Sec. 11. If any section, or part of a section, or if one or more sections of this act are declared to be unconstitutional, such shall not affect the constitutionality of the remaining parts hereof.

Sec. 12. The fact that there is no adequate law governing the subject-matter of this act and the importance thereof, creates an emergency and an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and that this act take effect immediately from and after its passage, and it is so enacted.

Mr. Petsch offered the following amendments to the (committee) amendment:

(1)

Amend committee amendment to House bill No. 312, Section 1, page 2, line 1, by striking out the words "the twelve months succeeding the date of the order or ordinance approving the contract based upon such funds."

(2)

Amend committee amendment to House bill No. 312, Section 2, page 3, line 13, by striking out the words "where such provisions provide smaller amounts requiring advertisements or longer advertisements in newspapers."

(3)

Amend committee amendment to House bill No. 312, Section 7, subsection "C," page 6, line 33, by inserting immediately after the clause "payable serially not exceeding forty years from the date thereof," the following: "unless the commissioners court or governing body affirmatively adjudge that the financial condition of such county or city will not permit."

(4)

Amend committee amendment to House bill No. 312, Section 7, page 8, line 9, by inserting immediately after the clause "payable serially not exceeding forty years from the date thereof," the following: "not unless the commissioners court or governing body affirmative adjudge that the financial condition of such county or city will not permit."

(5)

Amend committee amendment to House bill No. 312, between lines 24 and 25, by adding a new section, to be numbered "No. 8," and changing numbers of sections thereafter to conform, as follows:

"Sec. 8. It is hereby made the duty of all commissioners courts and of all governing bodies, as the case may be, to levy and have assessed and collected taxes sufficient to pay the interest as it accrues and the principal as it matures on all bonds and time warrants issued in accordance with the provisions of this act. The same duties in reference to the levying, assessment and collection of taxes as are imposed by the provisions of Chapters 1 and 2, of Title 22, Revised Civil Statutes, to assure the payment of taxes on bonds therein authorized are imposed on said commissioners courts and said governing bodies in reference to all bonds and time warrants issued in accordance with this act."

(6)

Amend committee amendment to House bill No. 312, page 9, lines 24

and 25, by adding a new paragraph to the end of the section, reading as follows:

"Provided, however, that no competitive bids shall be required in case the municipality proposes to purchase an existing utility plant, and that in such cases the voters shall be entitled to a referendum, as hereinbefore provided, on the propositions: (1) Whether or not they are willing to pay the proposed purchase price for the utility or utilities; (2) whether or not said utility or utilities shall be purchased."

The amendments were severally adopted.

Mr. Bond offered the following amendments to the amendment:

(1)

Amend House bill No. 312, page 6, line 10, by inserting after the word "any" the words "legally issued."

(2)

Amend House bill No. 312, page 6, line 9, by inserting after the word "bonds" the words "legally issued."

(3)

Amend House bill No. 312, page 6, line one (1) by striking out the words "of the existing" and inserting the words "any legal."

(4)

Amend House bill No. 312, page 6, lines 14 and 15, by striking out the words "of the" and insert the words "of any legal."

(5)

Amend House bill No. 312, page 6, line 28, by striking out the words "evidence of" and inserting the word "legal."

The amendments were severally adopted.

Mr. DeWolfe offered the following amendment to the amendment:

Amend committee substitute to House bill No. 312 by striking out "ten" on page 3, line 31, and insert in lieu thereof "five."

The amendment was lost.

Mr. Johnson of Dimmit offered the following amendment to the amendment:

Amend committee substitute to House bill No. 312, Section 7, page 7, line 9, by striking out the word "once" and insert in lieu thereof the words "once a week for three successive weeks," and by striking out of line 11 the word "fourteen" and insert in lieu thereof the word "thirty."

The amendment was adopted.

Mr. Kayton offered the following amendment to the amendment:

Amend House bill No. 312, page 2, Section 2, line 12, by inserting after word "court" the following: "no State board or commission, expending its own special funds, the Board of Control of the State of Texas."

Mr. Johnson of Dimmit raised a point of order on further consideration of the amendment on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Kayton offered the following amendment to the amendment:

Amend House bill No. 312, page 5, by striking out all of Section 6 and renumbering the remaining sections accordingly.

Mr. Young moved the previous question on the amendment by Mr. Terrell of Cherokee on the Speaker's table, pending amendment and the bill, and the main question was ordered.

Question first recurring on the amendment by Mr. Kayton, it was lost.

Mr. Terrell of Cherokee offered the following substitute for the (committee) amendment:

Amend House bill No. 312 by striking out all below the enacting clause, and insert in lieu thereof the following:

"Section 1. Except as otherwise provided in this act, no county of this State, acting through its commissioners court, and no city or town in this State acting through its board of aldermen, city council, city commission, or otherwise, shall hereafter in any tax year issue any warrants, notes or certificates of indebtedness of any kind or character for any purpose whatsoever, payable otherwise than out of current funds for such tax year and then only in such amounts as will not exceed the total current funds for

said tax year, or enter into any contract or agreement imposing any obligation of any kind or character beyond said tax year unless the issuance of such warrants, notes or certificates of indebtedness in excess of such current funds, as well as any contract or agreement imposing any obligation of any kind or character whatsoever not payable out of current funds, is first submitted to and approved by the vote of the property taxpaying voters of such county or city, and any bonds, warrants, notes, certificates of indebtedness, issued or any contracts entered into in violation of the provisions of this act shall be void and shall not be enforceable in any of the courts of this State.

"Sec. 2. When the question of a bond issue or the issuance of any other certificates of indebtedness, or any contract incurring any other obligation not payable out of current funds, is to be submitted to the voters by the commissioners court, or by the governing body of any incorporated city, town or municipality, the body proposing to issue the bonds shall give notice through some paper published or circulated in the county, city or town, to be effected and have said notice published once a week for four weeks before such election is held. The notice shall give the date of the election, the amount of the bonds, warrants or other certificates of indebtedness, or contract for which approval is sought, for the purpose for which said bonds, warrants or certificates of indebtedness are to be issued, and whether they are to be serial bonds and give the date of maturity and the rate of interest to be paid.

"Sec. 3. The election for the issuance of bonds, or for incurring any indebtedness to be paid from future revenues shall be conducted in the manner as now provided by existing statutes as applied to holding elections for said purposes. Whenever an election is held by any county, city, town or municipality and the question of issuing bonds or incurring indebtedness to be paid from future revenues has been carried by the voters in accordance with the Constitution and laws of this State, said bonds or other evidence of indebtedness may be issued by the commissioners court, or the governing body of the city, town or municipality as the case may be.

"Sec. 4. At the same time said bonds or other evidences of indebtedness are issued the commissioners court, or the governing body of the city, town or municipality as the case may be, shall provide for the levy and collection of a tax within constitutional limitations sufficient to pay the interest and provide a sinking fund to redeem the bonds at maturity, or to retire them serially. In no case shall a greater amount of bonds or other evidences of indebtedness be issued than can be redeemed at maturity by the current tax rate levied within constitutional limitations, and all bonds issued contrary to this provision shall be void and not enforceable in any court of this State. All bonds or other evidences of indebtedness issued under this act shall be approved by the Attorney General, and registered in the Comptroller's office as now provided by law. They shall not bear a greater rate of interest than six per cent and shall not be sold below par.

"Sec. 5. No commissioners court or governing body of any city, town or municipality shall have authority to issue any interest-bearing warrants, or to pledge the current revenues of the county, city, town or municipality for a longer period than one year, except under the following conditions:

"(a) In case of public calamity, such as fires, storms, tornadoes, floods, epidemics of disease, etc., endangering public health, or causing serious loss or damage to public property.

"(b) When bonds have been legally issued to complete some definite public improvement, and the funds derived from the sale of such bonds have been expended before the project is finished.

"(c) When the governing body of any incorporated city, town or municipality desires to pledge a part of its current revenues derived from municipally-owned utilities to make improvements on said utilities.

"Sec. 6. All warrants authorized to be issued by commissioners courts, or the governing body of any incorporated city or town under subdivisions (a), (b), and (c) of Section 5 of this act, may be issued without a vote of the people, provided that all such warrants shall bear the words: 'Emergency warrants,' and no greater amount shall be issued than can be

redeemed from current revenues within two years under the tax rate authorized by the Constitution, or from the revenues derived from the utility pledged to redeem such warrants. In all cases where the credit of the county, city, town or municipality is to be extended for a longer period than two years, the question of extending the credit of the county, incorporated city, town or municipality by the issuance of bonds or warrants shall be submitted to the qualified taxpaying voters and approved by them as provided for issuing of bonds in Section 3 of this act. All warrants issued contrary to the provisions of this act shall be void and not collectable in any court in this State.

"Sec. 7. All provisions of and authority granted to cities and towns in Articles 1111 to 1118, both inclusive, of the Revised Civil Statutes of 1925, with amendments thereto, shall remain in full force and effect, provided that in the exercise of such authority where it involves the issuance of revenue bonds, or the issuance of any notes, warrants or certificates of indebtedness, or where it involves entering into a contract which imposes any obligation of any kind or character which will not be liquidated out of current funds, that such action must first be submitted to and approved by a vote of the property tax-paying voters of such city at an election held in the same form and manner as provided in Section 3 of this act.

"Sec. 8. This act shall be cumulative of existing statutes, and is not intended to repeal any provisions of special charters, or general laws except when in conflict with the same, and in that event the provisions of this act shall prevail.

"Sec. 9. The importance of this legislation to protect the taxpaying public against the excessive issuance of bonds and warrants, and the crowded condition of the calendar creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule, which requires all bills to be read on three several days in each house, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted."

Question recurring on the amendment by Mr. Terrell of Cherokee, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—46.

Adamson.	Jackson.
Alsup.	Jones of Shelby.
Baker.	Kayton.
Bond.	Kennedy.
Boyd.	Laird.
Bryant.	Leonard.
Burns of Walker.	McGill.
Caven.	Magee.
Coltrin.	Mehl.
Coombes.	Metcalfe.
Daniel.	Reader.
DeWolfe.	Richardson.
Donnell.	Rogers.
Dowell.	Satterwhite.
Farmer.	Scott.
Farrar.	Smith of Wood.
Fisher.	Sullivant.
Fuchs.	Terrell
Gilbert.	of Cherokee.
Hanson.	Terrell
Hatchitt.	of Val Verde.
Hefley.	Towery.
Hines.	Veatch.
Hoskins.	Walker.

Nays—76.

Adams of Harris.	Johnson
Adams of Jasper.	of Dallam.
Adkins.	Johnson
Barron.	of Dimmit.
Bedford.	Johnson of Morris.
Bounds.	Jones of Atascosa.
Brice.	Justiss.
Brooks.	Keller.
Burns	Lee.
of McCulloch.	Lemens.
Carpenter.	Lilley.
Clauch.	Lockhart.
Cox of Lamar.	McCombs.
Cox of Limestone.	McDougald.
Dale.	McGregor.
Davis.	Mathis.
Duvall.	Moore.
Elliott.	Munson.
Engelhard.	Murphy.
Ferguson.	Nicholson.
Forbes.	Olsen.
Ford.	O'Quinn.
Giles.	Patterson.
Goodman.	Petsch.
Graves.	Ratliff.
Greathouse.	Ray.
Grogan.	Rountree.
Hardy.	Sanders.
Harrison	Savage.
of El Paso.	Shelton.
Harrison	Sherrill.
of Waller.	Smith of Bastrop.
Holder.	Sparkman.
Holland.	Stevenson.
Howsley.	Steward.
Hughes.	Tarwater.

Turner.	Westbrook.
Wagstaff.	Wiggs.
Warwick.	Wyatt.
Weinert.	Young.
West of Coryell.	

Present—Not Voting.

Albritton.

Absent.

Akin.	Lasseter.
Anderson.	Long.
Beck.	Martin.
Bradley.	Moffett.
Cunningham.	Pope.
Dunlap.	Ramsey.
Dwyer.	Stephens.
Finn.	Strong.
Harman.	Van Zandt.
Herzik.	Vaughan.
Hill.	West of Cameron.
Hubbard.	

Absent—Excused.

Dodd.	Morse.
Holloway.	

Question then recurring on the (committee) amendment by Mr. Petsch, it was adopted.

Mr. Petsch offered the following amendment to the bill:

Amend House bill No. 312 by amending the caption so as to conform to the terms of the bill.

The amendment was adopted.

House bill No. 312 was then passed to engrossment.

HOUSE BILL NO. 312 ON THIRD READING.

Mr. Petsch moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 312 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—119.

Adams of Harris.	Boyd.
Adams of Jasper.	Bradley.
Adamson.	Brice.
Adkins.	Brooks.
Akin.	Burns
Albritton.	of McCulloch.
Alsup.	Carpenter.
Baker.	Caven.
Barron.	Clauch.
Bedford.	Coltrin.
Bounds.	Coombes.

Cox of Lamar.	Leonard.
Cox of Limestone.	Lilley.
Dale.	Lockhart.
Daniel.	McCombs.
Davis.	McDougald.
DeWolfe.	McGregor.
Donnell.	Magee.
Dowell.	Martin.
Dunlap.	Mathis.
Duvall.	Mehl.
Elliott.	Metcalfe.
Engelhard.	Moffett.
Ferguson.	Moore.
Fisher.	Munson.
Forbes.	Murphy.
Fuchs.	Nicholson.
Gilbert.	Olsen.
Giles.	O'Quinn.
Goodman.	Patterson.
Graves.	Petsch.
Greathouse.	Ramsey.
Grogan.	Ratliff.
Hanson.	Ray.
Hardy.	Reader.
Harrison	Richardson.
of El Paso.	Rogers.
Harrison	Rountree.
of Waller.	Sanders.
Hatchitt.	Satterwhite.
Hill.	Savage.
Hines.	Scott.
Holder.	Shelton.
Holland.	Sherrill.
Howsley.	Smith of Bastrop.
Hughes.	Sparkman.
Jackson.	Stevenson.
Johnson	Steward.
of Dallam.	Sullivant.
Johnson	Tarwater.
of Dimmit.	Towery.
Johnson of Morris.	Turner.
Jones of Shelby.	Veatch.
Jones of Atascosa.	Wagstaff.
Justiss.	Walker.
Kayton.	Warwick.
Keller.	Weinert.
Kennedy.	West of Coryell.
Laird.	Westbrook.
Lasseter.	Wiggs.
Lee.	Wyatt.
Lemens.	Young.

Nays—8.

Bond.	Pope.
Bryant.	Smith of Wood.
Farmer.	Terrell
Hoskins.	of Val Verde.
McGill.	

Present—Not Voting.

Farrar.

Absent.

Anderson.	Cunningham.
Beck.	Dwyer.

Finn.	Stephens.
Ford.	Strong.
Harman.	Terrell
Hefley.	of Cherokee.
Herzik.	Van Zandt.
Hubbard.	Vaughan.
Long.	West of Cameron.

Absent—Excused.

Burns of Walker.	Holloway.
Dodd.	Morse.

The Speaker then laid House bill No. 312 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—115.

Adams of Harris.	Harrison
Adams of Jasper.	of Waller.
Adamson.	Hatchitt.
Adkins.	Hefley.
Akin.	Hines.
Albritton.	Holder.
Alsup.	Holland.
Barron.	Howsley.
Bedford.	Hughes.
Bounds.	Jackson.
Boyd.	Johnson
Bradley.	of Dallam.
Brice.	Johnson
Burns	of Dimmit.
of McCulloch.	Johnson of Morris.
Carpenter.	Jones of Shelby.
Caven.	Jones of Atascosa.
Claunch.	Justiss.
Coltrin.	Keller.
Coombes.	Kennedy.
Cox of Lamar.	Laird.
Cox of Limestone.	Lasseter.
Dale.	Lee.
Daniel.	Lemens.
Davis.	Leonard.
DeWolfe.	Lockhart.
Donnell.	McCombs.
Dowell.	McDougald.
Dunlap.	McGregor.
Duvall.	Magee.
Elliott.	Martin.
Engelhard.	Mathis.
Ferguson.	Mehl.
Fisher.	Metcalfe.
Forbes.	Moffett.
Fuchs.	Moore.
Gilbert.	Munson.
Giles.	Murphy.
Goodman.	Olsen.
Graves.	O'Quinn.
Greathouse.	Patterson.
Grogan.	Petsch.
Hanson.	Ramsey.
Hardy.	Ratliff.

Ray.	Tarwater.
Reader.	Towery.
Richardson.	Turner.
Rogers.	Vaughan.
Rountree.	Veatch.
Sanders.	Wagstaff.
Satterwhite.	Walker.
Savage.	Warwick.
Shelton.	Weinert.
Sherrill.	West of Coryell.
Smith of Bastrop.	West of Cameron.
Sparkman.	Westbrook.
Stephens.	Wiggs.
Steward.	Wyatt.
Strong.	Young.
Sullivant.	

Nays—12.

Baker.	Hoskins.
Bond.	Lilley.
Bryant.	McGill.
Burns of Walker.	Pope.
Farmer.	Smith of Wood.
Harrison	Terrell
of El Paso.	of Val Verde.

Present—Not Voting.

Farrar.	Nicholson.
Kayton.	Scott.

Absent.

Anderson.	Herzik.
Beck.	Hill.
Brooks.	Hubbard.
Cunningham.	Long.
Dwyer.	Stevenson.
Finn.	Terrell
Ford.	of Cherokee.
Harman.	Van Zandt.

Absent—Excused.

Dodd.	Morse.
Holloway.	

LEAVES OF ABSENCE
GRANTED.

Mr. Finn was granted leaves of absence for yesterday and today on account of important business, on motion of Mr. Keller.

MOTION TO TAKE UP HOUSE
BILL NO. 651.

Mr. Lilley moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 651, A bill to be entitled "An Act regulating the employment

of women and minors and establishing an industrial welfare commission to investigate and deal with such employment; providing for an appropriation therefor and fixing penalties for violations of this act; providing for the establishment of a minimum wage in occupations, trades and industries where women and minors work; requiring the industrial welfare commission to take measures to care for the health, hours of work, morals and safety of women and minors in occupations, trades and industries, and declaring an emergency."

The motion was lost by the following vote:

Yeas—35.

Adams of Jasper.	Kennedy.
Akin.	Laird.
Alsup.	Lemens.
Boyd.	McDougald.
Bradley.	Magee.
Burns of Walker.	Mehl.
Cox of Lamar.	Metcalfe.
Daniel.	Ratliff.
DeWolfe.	Reader.
Farmer.	Richardson.
Forbes.	Rountree.
Greathouse.	Smith of Bastrop.
Hatchitt.	Stevenson.
Holder.	Steward.
Holland.	Strong.
Hughes.	Vaughan.
Jones of Shelby.	Wagstaff.
Johnson	
of Dimmit.	

Nays—79.

Adams of Harris.	Farrar.
Adamson.	Ferguson.
Adkins.	Fisher.
Albritton.	Fuchs.
Baker.	Gilbert.
Barron.	Giles.
Bedford.	Graves.
Bond.	Hanson.
Bounds.	Harrison
Brice.	of El Paso.
Brooks.	Harrison
Bryant.	of Waller.
Burns	Hefley.
of McCulloch.	Hines.
Carpenter.	Hoskins.
Caven.	Howesley.
Claunch.	Jackson.
Coltrin.	Johnson
Coombes.	of Dallam.
Cox of Limestone.	Johnson of Morris.
Dale.	Jones of Atascosa.
Davis.	Justiss.
Dowell.	Kayton.
Dunlap.	Keller.
Elliott.	Leonard.

Lockhart.	Shelton.
McCombs.	Sherrill.
McGill.	Smith of Wood.
McGregor.	Stephens.
Mathis.	Sullivant.
Moffett.	Tarwater.
Moore.	Towery.
Murphy.	Turner.
Nicholson.	Veatch.
Olsen.	Walker.
O'Quinn.	Warwick.
Pope.	Weinert.
Ramsey.	West of Coryell.
Rogers.	West of Cameron.
Satterwhite.	Westbrook.
Savage.	Wiggs.
Scott.	

Present—Not Voting.

Grogan.

Absent.

Anderson.	Lilley.
Beck.	Long.
Cunningham.	Martin.
Donnell.	Munson.
Duvall.	Patterson.
Dwyer.	Petsch.
Engelhard.	Ray.
Finn.	Sanders.
Ford.	Sparkman.
Goodman.	Terrell
Hardy.	of Cherokee.
Harman.	Terrell
Herzik.	of Val Verde.
Hill.	Van Zandt.
Hubbard.	Wyatt.
Lasseter.	Young.
Lee.	

Absent—Excused.

Dodd.	Morse.
Holloway.	

HOUSE BILL NO. 239 ON SECOND READING.

Mrs. Hughes moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 239, A bill to be entitled "An Act to create and establish Trinity River Canal and Conservancy District under authority of Section 59 of Article 16 of the Constitution of Texas, to be a governmental agency, a body politic, municipal and corporate; also stating the intent and defining certain words and expressions as used in this act, etc., and declaring an emergency."

The motion prevailed by the following vote:

Yeas—84.

Adams of Jasper.	Laird.
Adkins.	Lasseter.
Albritton.	Lee.
Alsup.	Lemens.
Beck.	Leonard.
Bounds.	Lilley.
Boyd.	Lockhart.
Bradley.	McDougald.
Burns of Walker.	McGill.
Carpenter.	McGregor.
Coltrin.	Magee.
Coombes.	Martin.
Cox of Lamar.	Mathis.
Cox of Limestone.	Mehl.
Daniel.	Metcalfe.
Donnell.	Moore.
Duvall.	Munson.
Engelhard.	Nicholson.
Ferguson.	Olsen.
Forbes.	Patterson.
Giles.	Pope.
Goodman.	Ramsey.
Greathouse.	Ratliff.
Hanson.	Ray.
Hardy.	Reader.
Harman.	Richardson.
Harrison	Rogers.
of Waller.	Savage.
Hatchitt.	Scott.
Hefley.	Shelton.
Holder.	Smith of Bastrop.
Holland.	Sparkman.
Hoskins.	Stevenson.
Hughes.	Steward.
Jackson.	Strong.
Johnson	Tarwater.
of Dimmit.	Vaughan.
Jones of Shelby.	Wagstaff.
Jones of Atascosa.	Walker.
Justiss.	Warwick.
Kayton.	West of Coryell.
Keller.	Westbrook.
Kennedy.	Young.

Nays—32.

Adams of Harris.	Grogan.
Akin.	Hines.
Baker.	Howsley.
Bond.	Johnson
Brooks.	of Dallam.
Bryant.	Johnson of Morris.
Burns	Moffett.
of McCulloch.	Murphy.
Caven.	Petsch.
Claunch.	Smith of Wood.
Dale.	Sullivant.
Elliott.	Towery.
Farmer.	Turner.
Fisher.	Van Zandt.
Ford.	Veatch.
Gilbert.	Weinert.
Graves.	Wiggs.

Present—Not Voting.

Adamson.	Brice.
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Absent.

Anderson.	Hubbard.
Barron.	Long.
Bedford.	McCombs.
Cunningham.	O'Quinn.
Davis.	Rountree.
DeWolfe.	Sanders.
Dowell.	Satterwhite.
Dunlap.	Sherrill.
Dwyer.	Stephens.
Farrar.	Terrell
Finn.	of Cherokee.
Fuchs.	Terrell
Harrison	of Val Verde.
of El Paso.	West of Cameron.
Herzik.	Wyatt.
Hill.	

Absent—Excused.

Dodd.	Morse.
Holloway.	

The Speaker laid the bill before the House, and it was read second time.

Question—Shall the bill pass to engrossment?

HOUSE BILL NO. 474, WITH SENATE AMENDMENTS.

Mr. Adkins called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 474, A bill to be entitled "An Act to validate and confirm the title to settlers of claims or pre-emption surveys to the pre-emptors or their assignees in all cases where proof of three years' occupancy from the date of filing the application cannot be made, but use and occupancy for a period of twenty-five years prior to the passage of this act can be shown, and to require the issuance of patents, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

Mr. Adkins moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today (by unanimous consent), were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Stevenson:

H. B. No. 1025, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office to convey, by proper instrument, all the right, title and interest of the State of Texas in and to four certain described tracts of land situated in Kerr county, Texas, to designated persons, said tracts having heretofore been donated to the State for park purposes, but no improvement made thereon, and reciting a failure of consideration, and declaring an emergency."

Referred to Committee on Public Lands and Buildings.

By Mr. Martin:

H. B. No. 1026, A bill to be entitled "An Act fixing the venue of suits brought on policies and contracts made by fraternal benefit societies, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Hill:

H. B. No. 1027, A bill to be entitled "An Act creating a lien in favor of lessors of ranch and pasture lands upon the animals pasturing and grazing under lease for unpaid rentals; provision against removal of such animals from leased ranch or pasture until rentals on same are paid; provision for penalties if animals are removed from leased premises before paying rentals due on same; provision for recording lease contract on ranch and pasture land, and declaring an emergency."

Referred to Committee on Judiciary.

BILL ORDERED NOT PRINTED.

On motion of Mr. Lemens (by unanimous consent), Senate bill No. 570 was ordered not printed.

RECESS.

On motion of Mr. Hardy, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

**HOUSE BILL NO. 239 ON PAS-
SAGE TO ENGROSSMENT.**

The House resumed consideration of pending business, same being House bill No. 239, relating to Trinity River Canal and Conservation District, the bill having heretofore been read second time.

Mrs. Hughes offered the following amendment to the bill:

Amend House bill No. 239 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Definitions and Intent of Terms as Used in This Act.—To promote brevity in this act certain expressions, unless otherwise specified, will be understood to have meaning as follows, viz.:

(a) The words "the district," "said district" or, "this district," shall be understood to mean Trinity River Canal and Conservancy District.

(b) "Section 59" shall be understood to mean Section 59 of Article XVI of the Constitution of Texas, as the same now provides.

(c) "Chapter 25" shall be understood to mean Chapter 25 of the General Laws passed by the Thirty-ninth Legislature of Texas at the Regular Session, which adjourned March 19, 1925, and, where not otherwise provided herein, to include any present or future amendment thereof.

(d) The words "Board," or, "the Directors," shall be understood to mean the Board of Directors of this District, or the members thereof in their official capacity.

(e) The word "Federal" shall mean or relate to the government of the United States of America, and, or, its functions or subsidiary agencies.

(f) The word "State" shall mean or relate to the government of the State of Texas, and, or, such of its functions and agencies as are appropriate to accomplish the objects of this act.

(g) The word "Canal" as used herein shall be understood to designate a navigable water way to be provided in part by the natural bed and banks of the Trinity river, and, or, its tributaries, and in part by new correlated artificial streamways, together with locks and other works, and supplemental or auxiliary facilities to provide water, control the same, and to collect, store, load, move, receive, deliver and interchange cargo, in such manner as to make practica-

ble, promote, aid and encourage navigation on said canal between Fort Worth and Dallas and an intersection of said canal with the Federal Coastal Canal proposed to traverse Galveston Bay, and to other points to be reached by navigation through Galveston Bay.

(h) The words "voters" or electors" shall be understood to mean qualified taxpaying voters, who actually reside in, and are subject to the payment of taxes in, the area included in the boundaries of this district, or, in appropriate case, some lessor defined, or proposed, taxing area within this district, or proposed to be added to the area of said district.

(i) Where not otherwise differently provided herein, the word "notice" shall mean publication in one or more newspapers to give general circulation in this district, once a week in two issues, to be seven days apart, the first publication to be not less than twelve days, nor more than sixteen days, prior to the day on which an act is proposed to be considered or done. Such notice shall state the time and place fixed for considering or effecting any proposal. Such notice shall be sufficient if it sets forth in condensed form the substance of any proposed act, and states that any interested person will be heard to appear to contend for or against the act which may be proposed.

(j) The word "person" will include both the singular and the plural, associations by contract and corporate creatures both public and private.

Sec. 2. District Created.—It being, among other things and in substance, declared by Section 59 of Article XVI of the Constitution of Texas, that control of the waters of the State and the navigation of its inland and coastal waters are public rights and public duties, which may be effected through the creation of, or the division of the State into, such conservation and reclamation districts as may be determined to be essential to the accomplishment of the purposes expressed in said Section 59, which said section further imperatively makes it the duty of the Legislature to pass all such laws as may be appropriate to accomplish the purposes of said Section 59; and, this Legislature, having determined the necessity therefor, in obedience to the injunction imparted by said Section 59, hereby does create Trinity River Canal and Conservancy District, which hereby is established

instantly to be a governmental agency, a municipality, body politic and corporate, intended to exercise, both within the boundaries, and beyond the boundaries, of said district, the full sovereignty of the State, in behalf of the State, in so far as is intended by this act, to effect the objects hereby sought to be accomplished by the State under the provisions of said Section 59. This provision, however, shall be subject to the further provision of this act relating to the manner in which said district shall be dissolved, in case the electors thereof so determine.

Sec. 3. Area of the District and Provision for Changing Same.—(a) The area of said district hereby is established to embrace the area within the boundaries herein next set forth. In describing said boundaries, reference will be made by metes and bounds to establish landmarks, land survey boundaries, and/or certain public records wherefrom boundaries may be made certain. Said boundaries are specifically designated and defined as follows, viz: Beginning at the intersection of the east line of Tarrant county with the north line of the W. P. Crocker Survey; thence northwesterly in a straight line to the intersection of the northerly property line of the Chicago, Rock Island and Gulf Railway with the east line of the J. Burnett Survey; thence westerly and southwesterly along said northerly and along the northwesterly property line of the Chicago, Rock Island and Gulf Railway to the east line of the L. J. Tinsley survey, which is the west line of the S. Elliott survey; thence southwesterly in a straight line to the northwest corner of the J. Lynch Survey, which is a point in the south line of East First Street in the Riverside Addition and is also a point in the limits of the city of Fort Worth; thence along the limits of the city of Fort Worth as follows: West along said south line of East First Street to the west line of the Kings Highway; thence north along said west line of Kings Highway to the south line of Parrish Road; thence west along said south line of Parrish Road to the southeast line of the Grapevine Road; thence southwest along said southeast line of Grapevine Road to the east line of the J. B. York Survey; thence north leaving the limits of the city of Fort Worth to the northeast corner of the Allen Beard Survey, same being the

southeast corner of the David Odum Survey; thence east long the south line of the Odum Survey and the S. A. & M. G. R. R. Survey to the southwest corner of said S. A. & M. G. R. R. Survey, same being the northwest corner of the James Wallace Survey; then south along the west line of the James Wallace Survey to the south line of Thirty-seventh Street, which is a point in the limits of the city of Fort Worth; thence along said limits of the city of Fort Worth as follows: West along said south line of Thirty-seventh Street to the east line of Refugio Avenue; thence south along the said east line of Refugio Avenue to the point of intersection with the south line of Thirty-fifth Street; thence west along the south line of Thirty-fifth Street to the point of intersection with the east line of the road known as the Azle Road; thence in a general southerly direction along the east line of said Azle Road to the point of intersection with the south line of Thirty-third Street produced; thence west along the south line of Thirty-third Street produced to the intersection with the southwest line of Thirty-second Street; thence northwest along the southwest line of Thirty-second Street to the point of intersection with the east line of Taylor avenue; thence along the east line of said Taylor Avenue to the point of intersection with the north line of Twenty-first Street produced; thence in a southeasterly direction along said north line of Twenty-first Street produced and Twenty-first Street to the west line of the A. T. Card Survey; thence south along the west line of the A. T. Card Survey and L. Moore Survey produced to a point where the center line of Twentieth Street produced would intersect; thence in an easterly direction along the center line of Twentieth Street to the northwest corner of the R. O. Reeves Survey; thence south along the west line of the said Reeves Survey to an intersection with the southwest line of Lots 1 and 2 of Belmont Gardens; thence southeastwardly to and along said lines to the south corner of Lot 2; thence northeast along the southeast line of Lot 2, and continuing same course to the northeast line of Terrace Avenue; thence southeastwardly along the said line to the southeast line of Twelfth Street; thence southwestwardly along said line to the southwest corner of block

134 of North Fort Worth; thence southeastwardly along the south lines of block 134 and 135 to the west line of Oakwood Cemetery; thence south along said west line to the south line of the J. Baugh Survey; thence east along the south line of the J. Baugh Survey to its southeast corner and the northwest corner of the A. Gouenant Survey; thence south along the west line of the A. Gouenant Survey to the east line of the R. Crowley Survey to the intersection with the south line of the White Settlement Road or Franklin Street; thence leaving the limits of the city of Fort Worth as follows: West along said south line of the White Settlement Road to the intersection of said south line and the west line of Bailey Avenue, which point is in the limits of the city of Fort Worth; thence along said limits of the city of Fort Worth as follows: West along said south line of the White Settlement Road to the west line of the J. W. Conner Survey; thence southerly along said west line to the north corner of block 61 of River Crest; thence southwestwardly along the northwest line of said block to its northwest corner; thence in a southerly direction along the west lines of said block to its southwest corner; thence west to a point north of the northeast corner of block 55 of River Crest Avenue; thence south to said corner; thence west to the east line of Hill Crest; thence southerly along the east line of Hill Crest Avenue to the south line of Crestline Road; thence west along said south line to the west line of Carleton Avenue; thence north 460 feet; thence west 345 feet to the east line of Western Avenue produced; thence south along said line to the south line of Crestline Road; thence west along said south line to a point south of the southeast corner of block 29 of River Crest; thence north to the northerly line of Alta Avenue; thence in a northeasterly direction along the northerly line of the said Alta Avenue to the southeast corner of block 60 of River Crest; thence northerly along the east line of the said block 60 to its northeast corner; thence in a southwesterly direction along the northerly lines of blocks sixty, fifty-four, sixty-five, forty-six, forty-five, thirty-seven, thirty-six, twenty-four to twenty, in all to the northwest corner of block twenty; thence south along the west lines of blocks twenty, nineteen and eighteen and continuing

same course south in all to the northerly line of block C of Arlington Heights; thence in a westerly direction following along the northerly lines of blocks C and D to the southwest corner of block D; thence west to the northerly line of block F; thence along the northerly lines of block F to the east line of block one of Fort Worth Country Club or Westover; thence northerly along said east line to the northeast corner of lot two in said block one; thence west to the northwest corner of lot two; thence westerly to the northeast corner of block thirty of Arlington Heights; thence west along the north lines of blocks thirty and twenty-nine to the northwest corner of twenty-nine as originally platted, in the east line of Seventeenth Street; thence south along the east line of Seventeenth Street to the southwest corner of block 126 of second filing of Arlington Heights; thence east along the south line of the intervening blocks to the southeast corner of block 134, said south line being one block south of Helmick Avenue; thence north along the east lines of the intervening blocks to the south line of block 30, said east line being one block east of Pentacost Street, thence east along the south lines of the intervening blocks to the southeast corner of block 34, said south line being a north line of Bonnell Avenue produced; thence south to the northwest line of Valentine Street; thence northeast along the said north line to the southwest line of Hopkins Street; thence southeast along said line to the northwest line of Granbury Road; thence northeast along the said line to the south line of the W. D. Conner Survey; thence east along the south lines of the said Conner and of the T. White Surveys to the north line of right of way of the Texas Pacific Railway; thence northeasterly along said north line to the Granbury Road; thence north to the north line of said road; thence northeastwardly along said north line to the west bank of the Clear Fork of Trinity River; thence up the said west bank in a southerly direction to the center line of the T. & P. Railway; thence running in a southerly direction along the said west bank of the Clear Fork to a point where the same intersects the west line of the E. S. Harris Survey; thence south along the said west line of the E. S. Harris Survey to the southwest corner thereof; thence south 64° west 442 feet to the north-

east corner of the A. B. Conner Survey; thence west along the north line of the Conner Survey 1122 feet; thence south 1408 feet; thence west to an intersection with the east line of Boyd Avenue produced; thence south along the east line of Boyd Avenue produced and Boyd Avenue to an intersection with the north line of the tract upon which is situated the Municipal Golf Course; thence west to the northwest corner of said Golf Course tract; thence south to the southwest corner of the said tract; thence east to the southeast corner thereof; thence north along the east line thereof to a point 40 feet west of the northwest corner of the E. Sutherland Survey; thence east to the east line of the Cleburne Pike; thence southwesterly and south along the said east line of Cleburne Pike to a point due east of the northeast corner of the T. McCanne Survey; thence west to the northeast corner of the T. McCanne Survey; thence west along the north line of the T. McCanne survey 262 feet to a point; thence south 600 feet to a point; thence east to the point of intersection with the east line of the Cleburne Pike; thence south along the east line of the Cleburne Pike to a point east of the northeast corner of Horne Heights; thence west to the northwest corner of Cole Highlands; thence south to the southwest corner of Cole Highlands; thence east to the east line of Wellview Avenue; thence south along the said east line of Wellview Avenue to the north line of Spurgeon Street produced; thence east along said north line of Spurgeon Street to the west right of way line of the Santa Fe Railroad; thence south along said west right of way line to the south line of the Seminary Hill Addition; thence east along the south line of the said Seminary Hill Addition to the west line of Reeves Avenue; thence north along the west line of said Reeves Avenue to the north line of Felix Street; thence east along the north line of Felix Street to the east line of Hemphill Street; thence north along the east line of Hemphill Street to the north line of Calvin Street; thence east along the north line of Calvin Street to the east right of way line of the M., K. & T. Railroad, running between Fort Worth and Hillsboro; thence in a northerly direction along the said east line of the M., K. & T. right of way to an intersection with the north line of Pafford Street, east of the M. K. & T.

Railroad; thence east along the north line of said street to an intersection with the west line of South Pecan Street; thence north along the said west line of South Pecan Street to an intersection with the north line of the E. S. Ellis Survey produced; thence east to and along said north line of the Ellis Survey to the west line of the right of way of the main line of the I. & G. N. Railway; thence in a northerly direction with the west line of said main line right of way to its intersection with the west line of the spur track connecting the I. & G. N. main line with the M., K. & T. Railway line; thence in a northwesterly direction following the west line of the right of way of said I. & G. N. spur track to its intersection with the west line of South Pecan Street; thence north along said west line to the northwest corner of the George Hertsog Survey and the southwest corner of the A. Stinson Survey; thence east along the north boundary line of the said Hertsog Survey to a point in the boundary line due south of an extension of the west boundary line of the B. F. Waller and the J. Sanderson Survey; thence northerly along the said line to the northwest corner of the S. P. Loving Survey; thence easterly along the north boundary line of the S. P. Loving and the south boundary line of the E. S. Terrell Survey to the westerly boundary line of the tract conveyed by the O. K. Cattle Company to the city of Fort Worth, and known as Cobb Park; thence southerly, easterly and northerly along the lines of said tract to an intersection with the south line of the said E. S. Terrell Survey; thence east along said line to the west line of the J. Justice Survey; thence north to the northwest corner of the J. Justice Survey; thence east along the north line of the J. Justice Survey to the east line thereof, which is the west line of the R. R. Ramey Survey; thence north along said west line to the middle line of the said Ramey Survey; thence east along said line in Tarrant Avenue to the east line of the said Ramey Survey; thence north along the east lines of the said Ramey and of the J. Tuel Surveys to the south line of the P. Anderson Survey; thence east to the southeast corner of the said Anderson Survey; thence north along the east line of the Anderson Survey to the south line of the right of way of the Texas and Pacific Railway; thence eastwardly

along said right of way line to the west line of the road called Tierney Road, which runs along the east line of the P. H. Ahler Survey; thence north along the west line of the said road to the north line of the Eder-ville Road; thence west along said north line about 100 feet to the west line of the Tierney Road; thence north along said west line about 867 feet to the northeast corner of the Ed N. Shaw 12-acre tract; thence west along the north line of said tract and of the J. J. Sweet tract about 1108 feet to the east line of an unnamed street along the east side of Edgewood Heights; thence north along the east line of said street to a point east of the northeast corner of Edgewood Heights; thence west along the north line of Edgewood Heights to the northwest corner thereof in the east line of the William Edwards Survey; thence north to the northeast corner thereof; thence west along the north line of said Edwards Survey to the southwest corner of the W. L. Tandy Survey; thence leaving the limits of the city of Fort Worth, north along the west line of the W. L. Tandy Survey to the northwest corner of the said Tandy Survey; thence northeasterly in a straight line to the south end of the west line of the J. Brockman Survey; thence east along a line between said Brockman Survey and the J. W. Haynes Survey and along said line produced to the west line of the H. Robinson Survey; thence northeasterly in a straight line to the northwest corner of the G. W. Main Survey; thence east along the north line of the said Main Survey to the northeast corner of said Main Survey; thence northeasterly in a straight line to the northeast corner of the W. Masters Survey; thence southeasterly in a straight line to the southwest corner of the J. R. Newton Survey; thence east along the south line of the J. R. Newton and A. Hampton Surveys to the southeast corner of the A. Hampton Survey; thence southeasterly in a straight line to the southwest corner of the W. G. Elkins Survey; thence east along the south line of said Elkins Survey to the southeast corner of said Elkins Survey; thence northeasterly in a straight line to the north point of the T. J. Dalton Survey; thence southeasterly in a straight line to the southwest corner of the P. G. Dalton Survey; thence east along the south line of said P. G.

Dalton Survey to the northwest corner of the T. Dalton Survey; thence south along the west line of said T. Dalton Survey to the southwest corner of said T. Dalton Survey; thence east along the south line of said T. Dalton Survey to the southeast corner of said T. Dalton Survey; thence northeasterly in a straight line to the northeast corner of the M. Coleman Survey; thence east along the north line of the J. W. Haynes Survey to the northeast corner of said Haynes Survey; thence north along the line between the two J. Brown Surveys to the southwest corner of the N. Underwood Survey; thence east along the south line of said Underwood Survey to the southeast corner of said Underwood Survey; thence southeasterly in a straight line to the intersection of the south line of the H. P. Crocker Survey with the east line of Tarrant county, which is the west line of Dallas county; thence in a general southeasterly direction on a direct line to the southeast corner of the C. Campbell Survey; thence in a northeasterly direction on a direct line to the northeast corner of the D. T. Pierson Survey; thence in a southeasterly direction on a direct line to the southwest corner of the W. T. McLaughlin Survey, Abstract No. 892; thence east to the southeast corner of said McLaughlin Survey, at northwest corner of Jno. Horton Survey, Abstract No. 611; thence south to the southwest corner of said Horton Survey; thence east to the southwest corner of the J. E. Helms Survey; thence south to the southwest corner of the Jas. McCommas Survey; thence east to the southeast corner of the Jas. McCommas Survey at the southwest corner of the W. W. Conover Survey; thence south to the southwest corner of the W. J. Walker Survey; thence east to the southeast corner of the J. M. Patterson Survey, same being northwest corner of J. Narboe Survey; thence south to southwest corner of J. M. Bledsoe Survey; thence east to the southeast corner of the J. Thomas Survey, Abstract No. 1502, in the west line of the J. Riley Survey; thence south to the northwest line of Jas. Cole Survey, Abstract No. 232; thence southwesterly to west corner of said Jas. Cole Survey; thence southeasterly to south corner of said Jas. Cole Survey; thence northeasterly to east corner of said Jas. Cole Survey in the west line of the G. L. Haass Survey; thence northwesterly

to northwest corner of said Haass Survey; thence northeasterly along the north line of said Haass Survey and said north line produced to its intersection with the east bank of the Trinity river; thence up the east bank of said Trinity river with its meanders to its intersection with the west bank of White Rock creek; thence in a northerly direction following the meanders of west bank of said White Rock creek to its intersection with the south line of the public road from Dallas to Garland, known as State Highway No. 1; thence following the south or east line of said highway to the east corner of the C. A. Lovejoy Survey, Abstract No. 829; thence in a northwesterly direction with the northeast line of said C. A. Lovejoy Survey to the north corner of same; thence in a northerly direction to the north corner of the John H. Hyde Survey; thence in a northwesterly direction to the north corner of the D. A. Murdock Survey; thence in a southwesterly direction with the northwest line of said D. A. Murdock Survey to its intersection with the west right-of-way line of the M. K. & T. Railway Company; thence in a southerly and westerly direction with the said west or northwest right-of-way line of said M. K. & T. Railway Company, to its intersection with the west line of the W. P. Carder Survey; thence north to the northeast corner of the A. Brandenburg Survey; thence due west along north line of A. Brandenburg and J. Baker Surveys to the east line of the Cotton Belt Railway right-of-way; thence southerly with the east right-of-way line of said Cotton Belt Railway Company to the south line of the A. J. Mannin Survey, Abstract No. 948; thence due west to the north line of the Dickerson Parker; thence in a northwesterly direction to the north corner of said Parker Survey; thence in a southwesterly direction with the northwest line of said Parker Survey to the northeast corner of the H. Webb Survey; thence west to the northwest corner of the H. H. Newton Survey; thence south to the southwest corner of the Newton Survey at the northwest corner of the W. M. Moon Survey; thence east to northeast corner of said Moon Survey; thence south to the southeast corner of said Moon Survey; thence west to southwest corner of said Moon Survey in the east line of the J. Moon Survey; thence south to the southeast corner of the J. Moon Survey in the north

line of the W. W. Stockton Survey; thence east to the northeast corner of said Stockton Survey; thence south to the southeast corner of said Stockton Survey; thence west to the northwest corner of the H. Lucas Survey and southwest corner of the J. O. Doke Survey; thence due south across the Geo. W. Peeler Survey and the B. Kiefer Survey to south line of said B. Kiefer Survey and in the north line of the J. B. Earhart Survey; thence west to northwest corner of the J. B. Earhart Survey; thence south to the southwest corner of the J. B. Earhart Survey in the east line of the Israel Jennings Survey; thence in a westerly direction to a northwest corner of the I. Jennings Survey and at the southwest corner of the Thos. Stokes Survey; thence south to southeast corner of N. Aldridge Survey; thence west to the southwest corner of the N. Aldridge Survey; in the east line of J. Mongrave Survey; thence south to the southeast corner of said Mongrave Survey at the northeast corner of the J. C. Reed Survey; thence west to northwest corner of P. Linney Survey at the southwest corner of the J. Mongrave Survey; thence in a northwesterly direction, on a direct line, to the intersection of west line of Dallas county and the east line of Tarrant county with the north line of the W. P. Crocker Survey, the point of beginning.

It is further provided that if and when the same may be determined, said district shall include all other defined areas of land acquired by, or placed under easement to, or control by this district.

(b) The pre-election directors of this district, within one hundred and eighty days next after the effective day of this act, shall order and cause to be held an election within the district at which time there shall be submitted to the qualified voters of the district the following issues, viz.: "Approving Creation of the District and the Levy of a Preliminary Tax of not to Exceed Two Cents on Each One Hundred Dollars of Assessed Values," and, contrarily, "For Dissolution of the District." Said issues as herein stated shall be printed upon the ballot to be used in said election. Said election shall be held after such notice and in the manner provided by Chapter 25 of the Acts of the Thirty-ninth Legislature of Texas, Regular Session. It is provided that for the purpose of holding said election the directors, by an order entered in their

minutes, may define voting precincts, to control in the holding of said election, which precincts in so far as is appropriate shall conform to the official precincts established by the commissioners courts of the counties in which the district is situated. Further, it is provided that directors of the districts for its preliminary period shall be nominated and elected as follows, viz.: Any two hundred or more qualified electors of the district may file with the secretary of the pre-election board of directors herein provided for, a written petition nominating nine, or any number fewer than nine, candidates for directors. Such petitions shall bear the written agreement of any named proposed director to serve in case he be elected. Such petitions may be signed only by the person whose name may be subscribed thereto, and each such name shall be followed by the correct residence address and statement of the occupation of the signatory party. Said petition shall contain the statement that the signatory parties are qualified electors in the district and taxpayers therein. Said petition shall be verified by the person, or persons, circulating the same by an oath in form substantially as follows, viz.: "I solemnly swear (or affirm) that each name appearing, or affixed to the foregoing petition was subscribed in my presence by each person whose name appears thereon. I further swear (or affirm) that each such person is to the best of my knowledge and belief a bona fide resident, a qualified voter within the district, and a taxpayer therein." Petitions which are identical in all respects, save as to the names subscribed thereto, shall be considered as one petition. Such petitions may be filed at any time up to a day not less than twenty days prior to the day set for the election to be held hereunder.

In canvassing the returns of the election hereunder, the vote in the district as a whole (without regard to the boundaries of any other political corporate creature of the State) shall be totaled for and against the proposition submitted, and if the votes approving the creation of the district exceed in number the contrary votes, this district immediately shall be entitled to exercise the powers by this act conferred. The nine persons who in numerical order receive more votes than are received by other persons proposed for directors (to the end that there will be

nine directors so chosen, all to be residents of the district, not fewer than four to be residents of Dallas county and not fewer than four to be residents of Tarrant county) shall be declared to have been elected, and said directors shall serve for two years from the date of their election, or until their successors shall have been elected and qualified. The succeeding elections of directors, during the preliminary period of this district shall be at intervals of two years in such manner that a new board may be qualified to serve by the expiration of the term of the prior board. The election of preliminary directors hereunder shall be after such notice and in the manner provided for the election of directors by said Chapter 25, provided, however, that during the preliminary period the entire board of directors shall be elected, and such elections shall conform to the time herein provided. Further, the term of preliminary directors serving at the termination of the preliminary period fixed in this act shall terminate with the end of said preliminary period. After the termination of said preliminary period, the election of directors, in so far as applicable, shall conform to the provisions of said Chapter 25. If at such election a majority of the electors voting therein vote "For Dissolution of the District," it shall be so.

Provided, however, said election shall not be ordered or held until the pre-election directors named in subsection a of Section 6 hereof shall deposit with the county clerk of Dallas county two thousand dollars (\$2000) and a like amount with the county clerk of Tarrant county, which shall be paid out by the said clerks if the district be dissolved upon vouchers approved by a majority of the said pre-election directors for the expenses incident to the election, any money not so paid out to be returned to the said directors.

(c) The board of directors of the district (to include the preliminary period) shall have power, either voluntarily or upon petition, to exclude lands, or defined collective areas of land, from the district, after such notice, after such hearing, and for the reasons set out in Section 8 of Chapter 280 of the Acts of the Forty-first Legislature of Texas, Regular Session, as the same now provides. Upon the petition of the owner of any land, or upon the petition of five per centum of the owners of the land in

any defined county, or lesser defined governmental unit within one or more counties, or other lesser area comprising contiguous lands held in more than five separate ownerships, the Board shall give notice of hearing of such petition, shall hear the same, and shall grant or refuse the same upon the grounds set out in said Section 8 of said Chapter 280; provided, however, that no area of land may be added save upon a favoring vote, or verified petition, by a majority of the resident qualified voters who own land within the area proposed to be added to the district, and who actually vote or petition concerning such proposal. Any election held hereunder shall be controlled, in so far as appropriate, by the provisions of said Chapter 25 relating to a proposal to create a district thereunder.

Sec. 4. Specifications of Powers.—Any and all powers, whether general, special, express or implied, and as well all rights for procedure, conferred by this act and by said Chapter 25 upon this district, may be exercised within the boundaries of the district and, when deemed needful or helpful to effect the intent of this act, then such powers may be exercised beyond the boundaries of said district. The specification of powers herein contained shall not be held to exclude or diminish any other power available to the State, or any of its subsidiary governmental agencies, as a means to effect the intent of said Section 59 of the Constitution, and the objects of this act, having regard only to other and controlling provisions of the Federal and State Constitutions concerning the rights of others. In addition to such general powers, this district shall have those certain primary powers and for the particular purposes here set forth, viz.:

Certain Primary Powers.

(a) To make preliminary investigations and surveys in the manner and for the purposes specified in said Chapter 25 (either independently at its own cost or jointly with another, or to contribute to the cost thereof when done by another), whereby to procure co-operation by others, and especially to procure co-operation by the government of the United States of America, to the end that said canal may be approved for construction as a Federal project under such contractual terms and conditions as

may be demanded by the Federal Congress.

(b) To expend all sums reasonably deemed to be necessary or expedient for seeking co-operation in accomplishing the objects of this act from the Federal government and/or any and all other persons, creatures or entities, whether natural or creatures of law, or contract, and especially in procuring the Congress of the United States of America to approve said canal as a Federal project, to be provided, maintained and operated by the Federal government, which powers shall include the right to pay the reasonable cost of procuring the creation of this district.

(c) Subject only to authorization by the qualified electors of this district, either as an incidental requirement therefor or after final approval of said canal as a Federal project, this district shall be authorized to enter into contract with the United States of America specifying the terms and conditions upon which said district will co-operate with the Federal government in providing the right of way for said canal without cost to the Federal government, and as well to include the doing of those acts and things necessary to conform to the policy of the Federal government with respect to projects of a character similar to said proposed canal. It is the intention hereof that said district, subject to approval by its qualified electors, shall be authorized to pay the cost, or to contribute to the cost, of complying with the terms of a contract which may be entered into as between this district and the Federal government, which, however, shall not be held to include the cost to actually construct said canal and the locks and appurtenances necessarily incident to be provided as an integral part thereof.

(d) In case of the construction of said canal by the Federal government, this district shall have the power to construct, maintain and operate lateral connecting canals or turning basins to serve local needs, and as well shall have the power to provide, construct, acquire, purchase, take over, lease from others, lease to others, and to maintain and operate, develop, regulate and/or by franchise control wharves, docks, warehouses, grain elevators, bunkering facilities, belt or terminal railroads, floating plants, lighterage, towing facilities and all other facilities incident to or

in aid of the efficient operation and development of the proposed canal and ports incident thereto, whether the same be upon land or upon water.

The powers in this subdivision (d) provided are not intended to constitute a limitation of the powers of said district as the same are provided to be by said Chapter 25 or any amendment thereof.

(e) Not intending hereby to limit any other power of said district to issue bonds, or by contract with the Federal government to create obligations, and/or to levy taxes, which is provided for in said Chapter 25, but to be cumulative thereto, it expressly is provided that for accomplishing the objects set forth in the preceding subdivisions (b), (c) and (d), this district (after a favoring vote of the electors as is provided for by Section 59 and said Chapter 25) may create obligations to the Federal government, or may issue and sell bonds, or other form of contractual obligations, and may levy, assess and collect taxes to retire any such obligation, all of which shall be done in compliance with the provisions of said Chapter 25. Provided, however, that unless otherwise provided under the elective provisions of said Chapter 25, all taxes to be levied by said district, to retire a funded obligation, shall be on the basis ad valorem, and shall be without limit as to rate or amount. It, however, hereby is prohibited that the total of the outstanding obligations supported by the pledge of the full faith and credit of this district (and a tax on the basis ad valorem), or that faith and credit of this district which may be based on taxable property values as assessed and equalized for any defined area within this district (supported by a tax on the basis ad valorem) (to be an area constituted and defined by this district as a unit requiring local improvements designed primarily to serve a local convenience and necessity, as later is provided for in this subdivision (e)), shall ever at any one time exceed three per cent (3%) of the total taxable property values to be subjected to taxation to retire such obligations. This limitation, however, shall not apply to obligations supported by specific assessment of benefits. Provided, however, nothing herein contained shall be held to prohibit the financing, by this district, in whole or in part, for physical improvements local in character (and as may be deemed equitably to distribute taxes, assess-

ments or other district imposts) upon the basis of the assessment of specific benefits, which may be done within and according to the provisions of said Chapter 25, and the basic provisions of said Section 59. It is the intent hereof to give to this district such flexibility of taxing power, and plans therefor, as will permit, and cause, the taxes to be levied by this district to render the highest practicable degree of service under the peculiar physical and economic conditions prevailing within the district as a whole, and, or, to prevail within any defined constituent area. Reserving only the express limitations of this subdivision (e), said district may adopt one or more appropriate tax plans, and may successfully define separate areas within which improvements peculiar to that area are required, both for the purpose of creating money obligations and for the levying of taxes, or the assessment of specific benefits, to retire such obligations, in the manner provided by said Chapter 25; provided, however, that no change of a tax plan which will impair the ability of this district promptly to meet its outstanding obligations (within the intent of Section 91 of said Chapter 25) shall be adopted.

(f) This district shall have, and be held to have, the right to exercise the power of eminent domain under the conditions and in the manner provided for by said Chapter 25, which shall be held to include the right to use and control the natural bed and banks of the Trinity river and its tributaries in so far as is expedient to effect the purposes of this act, provided such use and control is not exercised in a manner violative of the constitutional rights of others, which use, however, shall constitute a trust necessary to be exercised in order to accomplish the purpose of this act. In addition to such powers and procedures, to be either cumulative thereof or in lieu thereof, this district may elect to exercise the power of eminent domain for any purpose germane to the objects of this act, or in any manner provided by the general laws of Texas for any creature of the law. There may be election of a purpose without adoption of the manner, or a manner may be adopted independently of the purpose for which same was provided. The right of eminent domain hereby conferred upon this district may be exercised upon all lands, with the structures thereon, both public and

private, and without exception; save that, lands, works and water stored under a permit, or other lawful right derived from the State, which may be the source of a water supply for an incorporated city or town shall be exempt from condemnation hereunder. This district hereby is vested with such title and right of control as the State has, or may have, in, to and concerning the natural bed and banks (to include first and second bench lands) of the Trinity river and such tributaries thereof as may be affected by the creation of said canal, and whether to remain as an integral part of said waterway or to be abandoned in the construction of said canal; which investment, however, shall be in trust and to authorize said district to make such uses and, or, dispositions of such lands and rights (and the proceeds, income, revenues, or trading value thereof) as in actual experience may prove to be reasonably required for, or in aid of, the accomplishment of the purposes of this act.

(g) This district shall have all such powers and rights, and regulations for government and procedure, as are contained in said Chapter 25, which shall be cumulative of those provided by this act, and those rules for procedure which may be provided by ordinances adopted by the district under other provisions of this act.

Sec. 5. Power to Adopt Statutory Powers Granted to Certain Other Creatures of the Law; Also by Ordinance, To Adopt Rules for the Government of the Organization of This District, and to Control Its Procedure, Where Not Adequately Provided by Chapter 25, and Fixing the Manner of Adoption.—Realizing the magnitude and diversity of the foreseen and contingent duties by this act imposed upon this district, and the economic importance of the objects sought by the State to be accomplished hereby, it is expressly provided that:

(1) When germane to the accomplishment of the objects of this act, and not otherwise adequately provided by said Chapter 25, or hereby provided, the directors of said district shall have the power to adopt and promulgate orders, to be known as ordinances, which may be done by a majority vote of those directors present at any meeting, regular or called, at which there may be present a majority of the board, which for all purposes shall constitute a quorum there-

of. No such ordinance may be adopted save after notice of the intent to adopt same has been given in the manner and form elsewhere provided in this act. No such ordinance shall violate any provisions of the Constitutions of the Federal government and this State concerning the rights of others, shall not be arbitrary or confiscatory in character, and shall be such as reasonably may be required to accomplish the purposes of this act. Having adopted, certified copies of any such ordinance shall forthwith be filed as a record in the office of the county clerk of each county situated in whole or in part, within this district, and within which such ordinance is intended to have application; whereupon the ordinance shall be in full force and effect, and all courts and persons thereafter shall be held to have knowledge thereof, just as though the same had been embraced in the body of this act. In addition to the general powers of this district to adopt ordinances, it especially shall have the power to adopt ordinances under those conditions and for those purposes which are stated in the next succeeding subdivision (2).

(2) In any case in which said Chapter 25 does provide a specific power or right germane to, or appropriate, or adequate to accomplish an object of this act, and such specific power has been, or hereafter may be conferred by law on counties, cities, water improvement districts, water control and improvement districts, fresh water districts, levee improvement districts, drainage districts, navigation district, canal corporations, channel and dock corporations, deep water corporations, railway corporations, terminal railway corporations, telegraph and telephone corporations, or other like creatures of the law; then, to the extent required to make adequate hereto the powers and rights of this district, it may by ordinance adopt and have as part of the law of its being so much of the power and right of any of the herein designated creatures of the law as will enable it effectively to accomplish the purposes of this act. The adoption of a power or mode of procedure hereunder shall not be held to include any incidental limitation which would impede the lawful accomplishment of the purposes of this act. As to this, there shall be no limit hereof save such as would violate the provisions of the Constitutions of the United States and the

State of Texas, concerning the rights of others.

Sec 6. The Governing Body of Said Districts.—(a) The governing of said district shall be vested in a board of directors, as hereinafter provided. For convenience of administration there shall be three classifications of directors, which are: (1) Pre-election directors, whose powers shall be confined to those duties fixed by subdivision (b) of Section 3 of this act. (Said pre-election directors shall be constituted as follows, viz.: Amon G. Carter, A. P. Barrett, Lloyd McKee, and Walter B. Scott, all of Tarrant county, Texas; and John W. Carpenter, Capt. J. F. Lucey, Karl Hoblitzelle, W. S. Mosher, and Hugh E. Prather, all of Dallas county, Texas. These shall take the oath of office prescribed by Chapter 25, but shall not give the bond therein provided for.) (2) Preliminary directors, being those elected as provided for in subdivision (b) of Section 3 of this act; (3) Directors to serve after the end of said preliminary period.

Having regard to the limited powers of pre-election directors (who shall serve without compensation or the allowance of their personal expense incident to service) the further provisions of this act shall be understood not to apply to the pre-election board of directors, but to apply only to the directors for the preliminary period and directors to serve after said preliminary period.

The compensation of directors of this district shall be ten dollars (\$10) for each day of official service, whether sitting as a board or serving on a committee duly appointed by the board, to which shall be added the amount of the actual expense necessary to be incurred wholly by reason of such service. A meeting shall be deemed a day of service, provided that no charge shall be made for more than one meeting held on any one day, and no director shall receive amounts to total more than five hundred and twenty dollars (\$520) as compensation for service rendered within any one period of twelve months. The board of directors shall manage and control the administrative business of said district (including the employment and supervision of all persons and agencies needed and having fitness to aid in accomplishing the purposes of this act) and shall be organized for business as is provided by Chapter 25. It

shall have power to adopt all such by-laws as are not inconsistent with the law, which may include the designation of an executive committee of not to exceed three members to act as advisors to the district's managing officer (who is not required to be a director) concerning matters arising between meetings of the board and not requiring instant action by the board, but which admit of later being approved by the board.

(b) The preliminary directors herein provided for, and all subsequent directors, shall qualify in the manner specified in Chapter 25, and their duties and qualifications shall be as therein provided. The official bonds of the directors shall be subject to approval by the Governor of Texas.

(c) The time during which the herein provided preliminary directors or their appointed successors shall serve shall be until such time as the Federal government shall have approved the construction of said canal, under a proposed contract with the district, and said contract shall have been approved or rejected by a vote of the electors of said district. It is provided, however, that all directors shall serve until such time as their successor shall have been duly chosen and qualified. At such time as the Federal government may have proposed a contract with said district, and at the same time, when the same is submitted to the electors of the district for approval or rejection, it shall be the duty of the preliminary board hereby provided to include in the election the choice of directors to control said district if any such contract shall have been approved by the electors of the district. After any such election the preliminary board of directors shall canvass the returns of such election, declare the result thereof, and qualify their elected successors in the manner, so far as applicable provided by said Chapter 25. At such time the preliminary period of this district and the duties of the preliminary board of directors thereof shall be at an end.

It is provided, however, that in case at such election the voters determine to reject the proposed contract between the district and the Federal government, the preliminary directors hereby provided shall continue to serve until such time as the district may be dissolved and its obligations discharged, as is provided for in case

of dissolution of a district operating under the provisions of said Chapter 25.

(d) The directors to be elected (after the preliminary period) shall be qualified as provided by Chapter 25, and shall be any number not divisible by two, not fewer than nine nor more than fifteen, as may be established by ordinance of this district; provided, however, that directors, as far as practicable, shall be chosen to give equitable regional representation, in such manner as may be provided by ordinance. Any such ordinance may define directorial districts, each to be served by a qualified resident of any such district, but all directors must be elected by a vote at large in this district. Other than as herein provided, and in so far as applicable, the election of directors, their qualifications and their terms of service shall be as fixed by the provisions of said Chapter 25. Vacancies in the office of director (either for the preliminary period, or for elected directors) shall be filled as provided in Chapter 25.

Sec. 7. Provisions for Financing the Current Operation of This District for the Period of Its Preliminary Duties and Forbidding the Creation of Indebtedness Pledging Income Not for a Current Taxing Year During the Preliminary Period Established by This Act, and Providing the Power to Borrow Money for Current Expenses and to Pledge Taxes Levied for a Current Taxing Year, But Not Collected.—

(a) In order to effect these objects to be accomplished hereunder prior to the end of the preliminary period of this district as established by this act, but not to control for any greater time, and to be in lieu the right to issue preliminary bonds under the powers of said Chapter 25 the board of directors of this district hereby are authorized to levy, assess and collect an ad valorem tax (to be known as a preliminary tax), the year 1931 and each succeeding year thereafter until that year next succeeding the end of said preliminary period (but not for a year subsequent to the year 1935, unless said limit be extended by a favoring vote a majority of the electors of said district, who may vote thereon) which tax shall be at such a rate of levy as may be required to accomplish the purposes of this act, but not in any event to exceed two cents (2c) on each one hundred dollars (\$100) of the value of all property situated

within, or assessable for taxation within, said district, as the same may be assessed and equalized for State and county purposes. It expressly is prohibited that said district during its preliminary period (or thereafter, save after an authorizing vote of the electors) may create obligations other than such as may be paid out of the taxes levied for any current taxing year, and to pay for services rendered to, or things of value furnished to or for this district during any current taxing year.

(b) Realizing the urgent necessity that this district be promptly in possession of funds, and that during each year of its preliminary period it should have, as and when required, funds to enable it to seek the cooperation of the Federal government to the end that said canal may come into usable being with the least possible delay, it hereby is expressly provided that (during its preliminary period or thereafter) said district, upon order of its board, may borrow money and execute its obligations therefor, to be secured by pledges of the tax levied but uncollected by the district for the year in which any such loan may be negotiated; provided only that no such loan shall mature at a time later than that April 1st next after the consummation of such loan, and that the proceeds of any such loan may not be used save to pay expenses and/or obligations of the district current for the tax year within which the loan may be effected.

Sec. 8. Provisions for the Assessment and Collection of Taxes by This District, and Prescribing the Duties and Compensation for Tax Assessors and Collectors for the District.—

(a) To be cumulative of the provisions of said Chapter 25, and to be applicable both before and after the termination of the preliminary period herein defined, said district may adopt the valuations established by the assessments of the property taxable by said district, in any given county in the district as enrolled and equalized for State and county taxes, and may provide for the collection of the district tax, to be based thereon as hereinafter provided.

(b) Upon request from the directors, accompanied by a certified statement of the rate of the district's tax levied for any given years, the assessor of each county situated in whole or in part in the district, shall have the duty to assess and enroll the

district tax and extend the same appropriately for each item of property subject to the district's tax, in all things like unto the enrollment and extension of the State and county taxes, so that the same will be subject to equalization within the county and pass to the tax collector as a part of the rolls of the county, or the same may be separately enrolled. In either case, the amount of the tax as shown by the roll shall be charged to the tax collector, and thereupon it shall be the duty of the tax collector for any such county to collect the tax for this district. The tax collector shall keep, and each month furnish to the district, a separate verified account of the total taxes collected for the district in each preceding calendar month, and within fifteen (15) days after the expiration of each calendar month during which taxes may have been collected for the district, and he shall remit to the district, as it may direct, the taxes collected for the prior month.

(c) Tax assessors and tax collectors rendering service hereunder, for all purposes incident to these provisions, shall be deemed to be officers of the district, and the directors thereof may require that district funds be kept separate from other tax funds, and that tax collectors give a surety company bond, payable to the district, conditioned as for a county tax collector (in so far as the same may be applicable) to be approved by the directors of this district as to the amount and sufficiency; provided, however, that the premium on any such bond shall be paid by this district. It is further provided, that the original records of tax assessors and tax collectors for the district, and funds held in trust for the district by a tax collector, shall be open to inspection and audit by the district at all reasonable times.

(d) The minimum fee for which this district may exact service from a tax assessor or a tax collector hereunder shall be two hundred and fifty dollars (\$250) per taxing year, to be payable on or before March 15th of the year next after the year for which a district tax may have been levied. It further is provided that the tax collector for any given county, if demanded by the district, will, on or before March 31st in each year, furnish to the district a roll showing taxes due and payable to the district, but unpaid on the next pre-

ceding February 1st. For this service the tax collector shall be paid the actual cost of producing said delinquent roll and delivering the same to the office of the district. If the compensation of a tax assessor or a tax collector under the provisions which now follow will exceed \$250 for a taxing year, then the assessor and the collector for the district each shall receive for service rendered hereunder (in lieu of the minimum compensation hereinabove fixed) a sum equal to one per centum (1%) upon the amount of the tax actually collected and paid to this district prior to February 1st in any given year; which compensation shall be paid by the district on or before March 15th of that same year. Having been paid the compensation hereinbefore provided, it shall be the duty of a tax collector and/or his successor in office to collect and deliver to this district any taxes, together with the interest and penalty thereon, paid after February 1st in any given year; provided, however, he shall receive as compensation therefor one per centum (1%) thereof. It is provided that any sum paid hereunder shall be computed in determining the maximum fees per year which may be retained by such receiving officers under the applicable statute in force at the time of any such payment. It, however, expressly is provided that should the requirements of this district demand the use of records books or forms or separate rolls peculiar to the service to be rendered by a tax assessor or a tax collector to this district, and not capable of being cared for by the rolls, record books and forms in use for the State and county, the cost of such rolls, books and forms shall be paid by the district. Should any tax assessor or tax collector fail or refuse to discharge the duties hereby imposed, he may, after due notice and hearing, be removed from office by the Governor of the State. At any time after the end of the preliminary period of this district as fixed herein, the directors of the district shall have the option to provide for the levy and assessment of taxes as herein specified, or they may elect to provide for the levy and assessment of taxes in the same manner as is provided by said Chapter 25 of the Acts of the Thirty-ninth Legislature, Regular Session.

Sec. 9. Giving the Power to Grant Franchises, Prescribe the Conditions

Under Which They May Be Exercised; to Police the Manner in Which They May Be Exercised, to Exact Reasonable Compensation for the Enjoyment Thereof; and, Also to Fix and Enforce the Tolls, Charges, Rates or Exactions Which May Be Imposed Concerning the Use of the Canal, and/or Any of the Facilities Provided to Be Used in Connection With Said Canal, and in Aid of Navigation Thereon, When Intended for Public Use, and Charging This District With the Duty to Prevent Discrimination in the Use of Said Canal and the Facilities in Connection Therewith; Also Giving This District the Power to Adopt Reasonable Rules and Regulations to Effect the Intent of This Act, Prescribe Reasonable Penalties for Violations of Such Regulations and to Enforce the Same in the Manner Provided; Also Authorizing This District to Suspend or Revoke Franchises as a Penalty for Violation of the Conditions Thereof.—(a) No persons or creatures of the law, or contract, may provide, maintain or operate any facility in aid of navigation on said canal (and intended for use by the public) within the meaning, designation and intent of subdivision (d) in Section 4 of this act, and whether situated within or beyond the boundaries of this district, save under a franchise granted by this district in the form of an ordinance to be adopted as provided in this act, which franchises may be for any term not to exceed fifty (50) years. Such ordinances may contain provision for the payment of reasonable franchise fees, and/or other charges, to be paid to the district, and shall contain provisions adequate to regulate the fees, tolls, rates or exactions to be demanded for the use of, or service to be rendered by means of, any facility to be provided or operated under any such franchise, to the end that the same will be uniform, reasonable and without discrimination as to any person, both as to charges and the conditions of use or service. Further, such ordinance shall contain all provisions reasonably required to procure service adequate to serve the public necessity and convenience.

(b) In order to accomplish the objects set forth in subdivision (a) of this Section 9, this district shall have the power either before or after the granting of a franchise (but, as to a franchise granted in prior time, not to be unreasonably inconsistent therewith), by ordinance to prescribe rea-

sonable rules and regulations for the design, construction, repair, enlargement, alteration, maintenance, operation of, and service from, or use of, any facility to be provided for use in aid of navigation on said canal, whether upon land or in, or upon, water. The right hereby granted shall include the right to require uniform and adequate analytic accounting systems and forms, periodic verified reports based thereon, and the right of audit by the district, and other reasonable regulation designed to protect the public. In order to procure observance of the conditions of a franchise granted hereunder and/or compliance with rules and regulations established by ordinance of the district (to be adopted and promulgated as elsewhere is provided in this act) hereunder, such ordinance may provide reasonable and commensurate penalties for violation of any such franchise condition, rule, or regulation, which penalties shall be cumulative of any penalties fixed by general law in Texas; provided only that the maximum penalty shall be a fine not to exceed two hundred dollars (\$200) for each instance or day of violation, and/or imprisonment of the responsible person or persons for a period not to exceed one hundred and eighty (180) days, either or both. Such penalties may judicially be enforced in the manner provided in subdivision (b) of Section 10 of this act.

Sec. 10. Authorizing This District by Ordinance to Establish All Rules or Regulations Reasonably Necessary or Designed to Protect and Conserve the District's Physical Properties, or the Physical Property of Others When Operated Under a Franchise Granted by the District; and to Effect the Efficient Use Thereof; Also Authorizing the Fixing of Reasonable and Commensurate Penalties for the Violation of Such Ordinances; Also Prescribing the Manner, Jurisdiction and Venue for the Enforcement Thereof; Further Providing That This District May Constitute and Maintain Its Own Constabulary for the Enforcement Thereof.—(a) This district by ordinances (to be adopted and promulgated as elsewhere is provided in this act) may establish rules necessary or designed to protect the physical property owned by it, or physical property owned or operated by another under a franchise granted by this district, and/or to effect the safety or efficient use of the same, and in such ordinances may provide reasonable and commensurate

penalties for the violation thereof, which penalties shall be cumulative of other penalties provided by the general laws of Texas, and shall be upon the same conditions, and not to exceed the limit for penalties as fixed in Section 9 of this act.

(b) In order to accomplish the objects stated in Section 9 and this Section 10 of this act, this district may constitute and maintain its own independent constabulary under oath and bond, in so far as is applicable, conditioned as is provided for a sheriff of a county, who shall be charged with the duty to police the district's property and its controlled facilities, with power to make arrests to prevent injury to such properties, or after such offenses or violation of any penal ordinance of the district, and, upon complaint or indictment lawfully had thereon, to make arrests either within or beyond the boundaries of the district.

(c) The penalties provided in Section 9 and this Section 10 of this act may be enforced only after complaint or indictment lawfully had, and the proceedings to enforce the same shall be in a court of competent jurisdiction within the county in which this district may, from time to time, fix its principal office; or, if the directors so elect, then in such a court within the county in which any offense hereunder may have been committed. It is provided that this district shall primarily be liable for any court costs incurred hereunder, and the cost to maintain any offender committed for imprisonment hereunder. Any fine imposed in any such proceeding, and paid in money shall be payable to this district and applied as its board may direct.

(d) The forfeiture or suspension of a franchise granted under Section 9 of this act, where not otherwise provided in any such franchise, may be, only because of discrimination in rendering service, affording use, or in taking or demanding a toll, rate or charge. Forfeiture or suspension of a franchise granted hereunder, unless otherwise provided therein, shall be upon a decree of a district court within the county in which this district may maintain its general office.

Sec. 11. Duties of Certain State Officers.—The State Board of Water Engineers and the Reclamation Engineer of Texas shall be under duty to co-operate with this district in the making of investigations and plans

and the approval of plans for improvements to be provided by this district. Such plans, however, shall be subject to approval by them when appropriate under the general laws of Texas; provided only, that where the Federal government shall have adopted or approved a plan for improvements, the same, as to all matters save the use of water already under permit from the State, shall control.

Sec. 12. Provision for Constitutional Conformity.—Nothing in this act contained shall be construed to violate any provision of the Federal or State Constitutions, and all acts done under this act shall be done in such manner as will conform thereto, whether herein expressly provided or not. Where any procedure hereunder may, by the Board, be deemed to be violative thereof, or when the same may judicially be determined to be violative thereof, this district shall have the power by ordinance to provide a procedure conformable therewith. If any provision of this act shall be held invalid, such holding shall not affect the instant creation of this district, or the validity of any other provision of this act.

Sec. 13. Emergency Clause.—There exists an emergency and imperative public necessity that the provisions of this act be in force and effect without delay. The reasons therefor are as follows, viz.:

(a) Navigation upon the waters of the Trinity river to serve the established commercial centers in Dallas and Tarrant counties will increase, or preserve, the service which these communities now render, and in the future should render, to that large portion of Texas most conveniently to be served by rail lines centering in the cities of Dallas and Fort Worth, and which portion can more economically be served by means of co-ordinated rail and water transport for the carriage of bulky or heavy non-perishable materials yielding low returns. The need for this service has long existed and the provision thereof now is most urgent.

(b) In order to accomplish the objects of this act, it will be necessary to procure the approval and co-operation of the Federal government.

(c) There is urgent need that the preliminary surveys contemplated to be provided should, with all possible dispatch, be completed and made

available to the next Federal Congress, to the end that the proposal to create said canal may be effected with the least possible delay.

Wherefore, The Legislature hereby declares an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be, and the same is hereby, suspended, and this act shall be in force and effect from and after the day when there shall appear upon this act the evidences of passage required by law to be executed by the Speaker of the House of Representatives and the presiding officer of the Senate, subject only to the constitutional right of the Governor to veto this act. If there be no such veto, the day of effect of this act shall be the day of the final passage hereof.

Signed—McCombs, Beck, Savage, Holder, Keller, Hughes, Duvall, Paterson, Greathouse.

Mr. Farmer raised the following point of order:

Mr. Speaker: I raise the point of order against this bill that it is a local bill affecting only a part of Tarrant county, and only a part of Dallas county, and only a part of the people of those two counties and therefore is a local bill, the substance of which notice must be given in the locality that it affects for thirty days prior to its introduction in the Legislature as required by Section 57 of Article III of the Constitution of Texas, and that it is submitted that no evidence of said publication has been or is exhibited in this Legislature of said publication as required further of said section of said article. It is further submitted that it attempts to regulate the affairs of a county by a local law in violation of Article III, Section 56, and for that reason this bill should not be considered, and it is insisted that the Constitution should be observed and respected.

FARMER.

The Speaker overruled the point of order and submitted the following reason for so doing:

Statement of reasons controlling my action in overruling the point of order raised by Mr. Farmer, to the effect that the House could not lawfully consider House bill No. 239, for the stated reason that said proposed act is in fact a local bill introduced

without the advertisement required by Section 57 of Article III of the Constitution of Texas:

1st. The bill so under attack is one directly taking root in Section 59 of Article XVI of the Constitution of Texas, which in that part here material provides:

"The conservation and development of all the natural resources of this State including * * * the navigation of its inland and coastal waters are each and all hereby declared public rights and duties; and the Legislature shall pass all such laws as may be appropriate thereto. And the State may be divided into such number of conservation and reclamation districts as may be determined to be essential to the accomplishment of the purposes of this amendment to the Constitution, which districts shall be governmental agencies * * *."

2nd. From an examination of the bill in question, I conceive it to constitute a most clear effort of the State to bring into being its own creature to function for and on behalf of the State to "develop" navigation upon the Trinity river, an inland water, which by the Constitution is declared to be a natural resource, as to which the State herself owes to her people the duty of development.

3rd. By reason of the just quoted constitutional provision it follows that the State can do this only by means of creating a district. House bill No. 239 proposes to create such a district. This is by no means a local bill within the meaning and intent of Section 57 of Article III of the Constitution.

4th. The subsidiary fact that the initial tax of the proposed district affects a restricted and defined area by no means destroys the fundamental general character of the bill.

Mr. Farmer offered the following amendment to the amendment:

Amend amendment to House bill No. 239 by striking out the words on page 13, as follows: "as a whole (without regard to the boundaries of any other political corporate creature of the State) shall be totalled," and insert therefor these words: "shall be taken separately for that part of Tarrant county and that part of Dallas county included," and further amend said page by adding after the word "conferred" on said page near the

center and next after the words above these words: "in that part of the district voting in the majority for it as a total in each county, and if either part of the said district as proposed in either county shall vote as a whole against the tax and the creation of the district, then said county shall not be bound by the other county that may vote for it."

On motion of Mr. Beck, the motion was tabled.

Mr. Farmer offered the following amendment to the amendment:

Amend the amendment to House bill No. 239 by striking out the word "approving" on page 12 and insert therefor the words "for the," and strike out the word "contrarily," "for dissolution of the district," and insert therefor these words after the word "and," "against the creation of the district and the levy of a preliminary tax of not to exceed two cents on each hundred dollars of assessed values."

On motion of Mr. Beck, the motion was tabled.

Mr. Farmer offered the following amendment to the amendment:

Amend amendment to House bill No. 239 by striking out the last part of subsection (b) of Section 9 beginning with the words "in order to procure observance" to close of said subsection, and strike out all of Section 10 on pages 28, 29 and 30.

On motion of Mr. Beck, the amendment was tabled.

Mr. Pope offered the following amendment to the amendment:

Amend amendment to House bill No. 239 by striking out of lines 4, 5 and 6, Section (c), page 29, the following language: "within the county in which the district may, from time to time, fix its principal office, or, if the directors so elect, then in such a court."

The amendment was adopted.

Mr. Sparkman moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question first recurring on the amendment by Mrs. Hughes, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—80.

Adams of Harris.	Bedford.
Adams of Jasper.	Bounds.
Beck.	Boyd.

Brooks.	Lee.
Bryant.	Lemens.
Burns of Walker.	Lilley.
Carpenter.	Lockhart.
Caven.	McCombs.
Claunch.	McDougald.
Coltrin.	McGill.
Cox of Limestone.	McGregor.
Dale.	Mehl.
Daniel.	Moffett.
Davis.	Moore.
Donnell.	Munson.
Duvall.	Nicholson.
Engelhard.	Olsen.
Ferguson.	Patterson.
Forbes.	Pope.
Ford.	Ramsey.
Giles.	Ratliff.
Greathouse.	Ray.
Grogan.	Reader.
Harman.	Richardson.
Harrison	Rountree.
of El Paso.	Sanders
Hill.	Satterwhite.
Hines.	Savage.
Holder.	Shelton.
Hoskins.	Sparkman.
Hubbard.	Stevenson.
Hughes.	Steward.
Jackson.	Tarwater.
Johnson	Towery.
of Dallam.	Turner.
Johnson	Vaughan.
of Dimmit.	Wagstaff.
Jones of Shelby.	Weinert.
Justiss.	Westbrook.
Keller.	Wiggs.
Kennedy.	Young.
Laird.	

Nays—30.

Adamson.	Graves.
Akin.	Hefley.
Alsup.	Holloway.
Anderson.	Howsley.
Baker.	Long.
Burns	Martin.
of McCulloch.	Metcalfe.
Cox of Lamar.	Petsch.
Cunningham.	Rogers.
DeWolfe.	Smith of Wood.
Dowell.	Terrell
Elliott.	of Cherokee.
Farmer.	Van Zandt.
Fisher.	Veatch.
Fuchs.	Walker.
Gilbert.	West of Cameron.

Present—Not Voting.

Albritton.	Farrar.
Brice.	Hanson.
Dwyer.	West of Coryell.

Absent.

Adkins.	Bond.
Barron.	Bradley.

Coombes.	Magee.
Dunlap.	Mathis.
Finn.	Murphy.
Goodman.	O'Quinn.
Hardy.	Scott.
Harrison	Sherrill.
of Waller.	Smith of Bastrop.
Hatchitt.	Stephens.
Herzik.	Strong.
Holland.	Sullivant.
Johnson of Morris.	Terrell
Jones of Atascosa.	of Val Verde.
Kayton.	Warwick.
Lasseter.	Wyatt.
Leonard.	

Absent—Excused.

Dodd. Morse.

Mrs. Hughes offered the following amendment to the bill:

Amend House bill No. 239 by striking out all above the enactment clause and inserting in lieu thereof the following:

A bill to be entitled "An Act (1 and 2) to create and establish Trinity River Canal and Conservancy District under authority of Section 59 of Article XVI of the Constitution of Texas, to be a governmental agency, a body politic, municipal and corporate; also stating the intent and defining certain words and expressions as used in this act.

(3) Designating the area to be embraced in the district and making provision for excluding lands from, or adding lands to, the area of the district and prescribing the manner for so doing; also providing for an election to be held in the district within one hundred and eighty days after the effective date of this act, and further providing for the dissolution of said district if a majority vote be cast therefor; also requiring that the pre-election directors herein named before the holding of such election shall deposit two thousand dollars (\$2000) with the county clerk of Dallas county and a like sum with the county clerk of Tarrant county to be held as a fund out of which to pay the costs of said election in case the electors of the district vote to dissolve the district, and providing for the return of said money to said directors in case the electors vote to perpetuate the district.

(4) Conferring general powers and especially conferring on the district the powers and rights for procedures which are provided by Chapter 25 of the Acts of the Regular Session of the Thirty-ninth Legislature of Texas,

and any amendment thereof, to control where not otherwise provided by this act. Also giving certain specific and cumulative powers, which include: (a) The power to make, or aid in the making of, surveys, investigations, and plans for the construction of certain improvements to provide a navigable waterway from Fort Worth and Dallas to Galveston Bay, together with all needed and supplemental facilities for the accumulation, protection, handling and delivery of freight; (b) Giving the right to expend such sums as reasonably are required to procure the co-operation of the Federal government, and others, to accomplish the objects of this act, to the end that said canal may be provided and maintained by the Federal government; (c) Providing that said district, being thereto authorized by a favoring vote of a majority of the resident property taxpaying voters of the district, may enter into contract with the Federal government to contribute to the cost of said canal; also giving the power to provide, maintain and operate lateral tributary canals, or turning basins, to serve local needs to permit navigation, or in aid thereof; and, conferring the power to provide, maintain, operate, regulate, and/or by franchise control, wharves, docks and other specified facilities deemed by this Legislature to be inherently required to make practical the construction and operation of the proposed canal, and to preserve the rights of the public to use the same, without discrimination and at reasonable rates for service to be rendered by means of said canal and its supplemental facilities: (e) Providing powers cumulative of said Chapter 25 (relating to water control and improvement districts), subject to authorization by a majority vote of the resident property taxpaying electors of the district and as provided in Section 59 of Article XVI of the Constitution and said Chapter 25, to contract with the Federal government and therein create obligations of the district, and/or to issue and sell bonds, and to levy taxes adequate to retire the same, all of which may be done to accomplish the purposes for which this district is created; providing that taxes to pay obligations created hereunder shall be on the basis ad valorem and sufficient to retire such obligations, and limiting the total of obligations, pledging the full faith and credit of the district, which may be outstanding at

any one time, to a sum not exceeding three per centum (3%) of the property values within the district's taxing power, which provision, however, shall not apply to obligations issued to provide local improvements, when such obligations are supported by the specific assessment of benefits, in lieu of a tax; also providing the same powers and limits of bonding total as to any defined area, either within or beyond the boundaries of the district, when defined and required for the purpose of providing improvements designed primarily to serve a local convenience and necessity, and to form a facility supplemental to said canal; further authorizing the district to issue its obligations pledging that faith and credit which may be based on the taxable property values within any such defined area; also providing that such local improvements may be financed by the district upon the basis of the assessment of specific benefits, as provided by said Chapter 25; also giving the power to adopt tax plans which will in fact equitably distribute the district's taxes; (f) Giving the power of eminent domain and providing the mode for the exercise of same, which shall be held to include the right to use and control the natural bed and banks of the Trinity river in so far as expedient to effect the purpose of this act, and in so far as may be done without violating the right of others; also investing this district with the State's rights of control and title to the bed and banks of the Trinity river, and certain tributaries thereof, in trust, for use or disposition to effect the purposes of this act; (g) Providing that the basic powers and as well the methods for procedures provided by said Chapter 25, shall be exercised by this district as cumulative of the powers by this act conferred, and where not otherwise provided herein; also providing for the adoption of regulations to govern procedures where required practically to accomplish the purposes of this act.

(5) Granting the power, by ordinance of the municipality created hereby, to adopt powers granted by statute to certain other of this State's governmental agencies and corporate creatures; further, to prescribe regulations for procedures, where not adequately provided by Chapter 25; fixing a lawful method for the adoption and promulgation of ordinances, and providing that the same shall be arbitrary or confiscatory in character;

further, providing that all persons and courts shall take notice hereof.

(6) Constituting and providing a board of directors to administer the powers and duties of this district during its preliminary duties as defined in this act; also providing for a board of directors to administer the affairs of the district and providing for the election thereof after the end of the preliminary period of the district; providing for the organization of the board for the conduct of business, and fixing the compensation to be paid directors; giving them power to adopt by-laws not inconsistent with the law, to employ persons necessary to accomplish the district's work, and to constitute an executive committee to act concerning matters admitting of later approval by the board; also defining the preliminary period of the duties of this district; giving the power to define directorial districts in order to effect territorial representation to the board, and providing for filling vacancies in the board of directors.

(7) Provision for financing this district during its preliminary period by grant of the power to levy annual taxes not to exceed two cents (2c) on the hundred dollars of value of the property assessable for taxation within the district as the same may be assessed for State and county purposes; also granting the district the right to borrow money and execute its obligations therefor, when necessary to provide money for current expenses, and to pledge the taxes levied, but not collected, for any current year within which necessity for this power may exist; also limiting this power and denying this district the right to issue preliminary bonds.

(8) Making provision for the levy, assessment and collection of the district's taxes, and establishing the mode of effecting the same, in manner practicable for this district; also fixing the compensation to be paid to tax assessors and tax collectors for the district.

(9 and 10) Giving this district power to grant franchises for the provision and operation of facilities incident to the successful operation of the canal, and therein prescribe the conditions under which any such franchise may be exercised and to police the manner in which such franchises may be exercised; to regulate tolls for service by means of any such facility tendering service to the pub-

lic; and to prevent discrimination; also providing that such facilities may be maintained only under a franchise; also giving this district power to adopt and enforce all reasonable rules and regulations to accomplish the objects of this act, and to prescribe penalties for the violation thereof, which in certain cases will authorize judicial forfeiture of a franchise; giving the district power to constitute its own constabulary to protect property owned or controlled by it, and to police observance of the ordinances of regulation adopted by the district; limiting penalties which may be prescribed by the district, and providing for the judicial enforcement of same; fixing certain purposes for which, the conditions under which, and the manner in which, this district may adopt ordinances and enforce the same hereunder.

(11) Prescribing certain duties to be discharged by the State Board of Water Engineers and the Reclamation Engineer of Texas, but subjecting their powers to the lawful powers of the Federal government to control navigation upon the canal proposed hereby to be procured for the State, but protecting the State against invasion of a water right held under prior grant by it; also providing that if no provision for a procedure, valid within the intent of the Federal and State Constitutions, and practicably applicable for the discharge of the duties of this act imposed on said district, is found within the law, then, that the district by ordinance (to be both constitutional and applicable), may provide for such procedures; also providing that in case any one or more provisions of this act be found invalid, that the same shall not operate to impair the creation and establishment of this district, or any other provisions of this act, contained.

(12) Stating the reasons constituting an emergency, declaring the same and providing a day upon which this act is to be effective.

Signed — McCombs, Beck, Holder, Savage, Greathouse, Keller, Patterson, Duvall, Hughes.

The amendment was adopted.

House bill No. 239 was then passed to engrossment.

Reason for Vote.

The reason I vote for the passage of House bill No. 239 is to permit my

constituency to become more familiar with the facts, and I retain the privilege to either actively work for or against this measure before my constituency.

PATTERSON.

MOTION TO TAKE UP HOUSE BILL NO. 239.

Mrs. Hughes moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 239 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths votes) by the following vote:

Yeas—92.

Adams of Harris.	Jones of Shelby.
Adams of Jasper.	Justiss.
Anderson.	Keller.
Baker.	Laird.
Beck.	Lemens.
Bedford.	Lilley.
Bounds.	Lockhart.
Boyd.	Long.
Brice.	McCombs.
Bryant.	McDougald.
Burns of Walker.	McGill.
Carpenter.	Martin.
Claunch.	Mehl.
Coltrin.	Moffett.
Cox of Limestone.	Moore.
Daniel.	Munson.
Davis.	Nicholson.
DeWolfe.	Olsen.
Donnell.	O'Quinn.
Dowell.	Patterson.
Dunlap.	Petsch.
Duvall.	Pope.
Engelhard.	Ramsey.
Forbes.	Ray.
Ford.	Reader.
Giles.	Richardson.
Goodman.	Rogers.
Greathouse.	Rountree.
Grogan.	Sanders.
Harman.	Satterwhite.
Harrison	Savage.
of El Paso.	Scott.
Hatchitt.	Shelton.
Hill.	Sherrill.
Hines.	Sparkman.
Holder.	Stephens.
Hoskins.	Stevenson.
Howsley.	Steward.
Hubbard.	Tarwater.
Hughes.	Turner.
Jackson.	Van Zandt.
Johnson	Vaughan.
of Dallam.	Veatch.
Johnson	Wagstaff.
of Dimmit.	Walker.

Weinert.
Westbrook.
Wiggs.

Wyatt.
Young.

Nays—30.

Adamson.
Adkins.
Akin.
Alsup.
Burns
of McCulloch.
Caven.
Cox of Lamar.
Cunningham.
Dale.
Dwyer.
Elliott.
Farmer.
Ferguson.
Fisher.
Fuchs.

Gilbert.
Graves.
Hanson.
Hefley.
Holloway.
Kennedy.
Lee.
Magee.
Metcalf.
Ratliff.
Smith of Wood.
Strong.
Terrell
of Cherokee.
Towery.
West of Cameron.

Present—Not Voting.

Albritton.

Farrar.

Absent.

Barron.
Bond.
Bradley.
Brooks.
Coombes.
Finn.
Hardy.
Harrison
of Waller.
Herzik.
Holland.
Johnson of Morris.
Jones of Atascosa.

Kayton.
Lasseter.
Leonard.
McGregor.
Mathis.
Murphy.
Smith of Bastrop.
Sullivant.
Terrell
of Val Verde.
Warwick.
West of Coryell.

Absent—Excused.

Dodd.

Morse.

CONFERENCE COMMITTEE ON HOUSE BILL NO. 474.

The Speaker announced the appointment of the following conference committee on House bill No. 474:

Messrs. Adkins, Wagstaff, Pope, Bedford, and Stevenson.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 283.

Mr. Stevenson, chairman, submitted the following conference committee report on Senate bill No. 283:

Committee Room,
Austin, Texas, April 14, 1931.

Hon. Edgar E. Witt, President of the Senate, and Hon. Fred H. Minor, Speaker of the House of Representatives.

Gentlemen: We, your conference committee appointed by your respective bodies, to consider Senate bill No. 283 and to adjust the differences between the two houses, having had said bill under consideration, beg to report that we have reached the following agreement, to-wit:

We have retained the House amendment in the second line of page 3, and have added thereto the following:

"Which authority is hereby expressly given; the said campus extensions"

And by adding after the word "dollars" in line 3, page 3, the following: "no part of which shall be expended for or applied to the purchase price of the land known as the Cavanaugh tract; provided that of said \$200,000 an amount not to exceed sixty-five thousand dollars (\$65,000) may be expended for that property belonging to the Episcopal Church, Diocese of Texas, extending from Twenty-sixth Street north to the Grace Hall property line and between Whitis and University Avenues; and an amount not to exceed one hundred and thirty-five thousand dollars (\$135,000) may be expended for that property known as the Texas Wesleyan College property (Swedish Methodist College)."

We have retained the House amendment in the eighth line of page 5, and have added thereto the following: "which authority is hereby expressly given; said campus extensions."

We have retained the House amendment changing the word "special" to "specified" in the caption of the original bill.

We therefore recommend that the bill, in accordance with our recommendations, become the law, and that this report as made by your conference committee be adopted.

Respectfully submitted,

MOORE,
HORNSBY,
HARDIN,
GAINER,
WOODRUFF,

On the part of the Senate.

STEVENSON,
HOLDER,
McGILL,
POPE,
METCALFE,

On the part of the House.

On motion of Mr. Stevenson, the report was adopted by the following vote:

Yeas—109.

Adkins.	Hubbard.
Akin.	Jackson.
Albritton.	Johnson of Dallam.
Alsup.	Johnson of Morris.
Anderson.	Jones of Shelby.
Barron.	Justiss.
Bounds.	Keller.
Boyd.	Kennedy.
Brice.	Laird.
Bryant.	Lilley.
Burns of Walker.	Long.
Burns	McCombs.
of McCulloch.	McDougald.
Carpenter.	McGill.
Caven.	Magee.
Claunch.	Martin.
Coltrin.	Mehl.
Cox of Lamar.	Metcalf.
Cox of Limestone.	Moore.
Cunningham.	Munson.
Dale.	Nicholson.
Daniel.	O'Quinn.
DeWolfe.	Patterson.
Donnell.	Petsch.
Dowell.	Pope.
Duval.	Ramsey.
Dwyer.	Ratliff.
Elliott.	Ray.
Engelhard.	Reader.
Farmer.	Richardson.
Farrar.	Rogers.
Ferguson.	Rountree.
Fisher.	Sanders.
Forbes.	Satterwhite.
Ford.	Savage.
Fuchs.	Scott.
Gilbert.	Shelton.
Giles.	Smith of Wood.
Goodman.	Sparkman.
Graves.	Stephens.
Greathouse.	Stevenson.
Grogan.	Steward.
Hanson.	Strong.
Harman.	Tarwater.
Harrison	Terrell of Cherokee.
of El Paso.	Towery.
Harrison	Turner.
of Waller.	Van Zandt.
Hatchitt.	Vaughan.
Hefley.	Veatch.
Hill.	Wagstaff.
Holder.	Walker.
Holland.	West of Coryell.
Holloway.	West of Cameron.
Hoskins.	Westbrook.
Howsley.	Young.

Absent.

Adams of Harris.	Bradley.
Adams of Jasper.	Brooks.
Adamson.	Coombes.
Baker.	Davis.
Beck.	Dunlap.
Bedford.	Finn.
Bond.	Hardy.

Herzik.	Mathis.
Hines.	Moffett.
Hughes.	Murphy.
Johnson	Olsen.
of Dimmit.	Sherrill.
Jones of Atascosa.	Smith of Bastrop.
Kayton.	Sullivan.
Lasseter.	Terrell
Lee.	of Val Verde.
Lemens.	Warwick.
Leonard.	Weinert.
Lockhart.	Wiggs.
McGregor.	Wyatt.

Absent—Excused.

Dodd.	Morse.
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HOUSE BILL NO. 251 ON SECOND READING.

On motion of Mr. Holder, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 251, A bill to be entitled "An Act to amend Article 7047, Revised Civil Statutes of the State of Texas, 1925, providing for the levy of occupation taxes on and the collection from persons, firms, associations and companies pursuing the several occupations enumerated herein; repealing all laws and parts of laws in conflict herewith; providing that if any subdivision or part of this act may be declared invalid for any reason it shall not affect any other section, subdivision or part of this act, and declaring an emergency."

The Speaker laid the bill before the House.

Mr. Holder offered the following (committee) amendment to the bill:

Amend the bill by striking out all above and below the enacting clause, and insert in lieu thereof the following:

A bill to be entitled "An Act to amend Article 7047, Revised Statutes of Texas, 1925, providing for the levy of occupation taxes on and the collection from persons, firms, associations of persons and corporations, pursuing the several occupations enumerated herein; prescribing rules and regulations relating to the issuance of tax receipts and the posting and exhibiting of such receipts by holders thereof, and prescribing certain penalties and defining an offense where the holder of receipts fails to post or exhibit same in the manner prescribed by law; repealing all laws or parts of laws in conflict herewith; providing that if any subdivision or

part of this act is declared invalid, for any reason, it shall not affect any other subdivision or part of the act, and declaring an emergency."

Section 1. That Article 4047, Revised Statutes of Texas, 1925, be, and the same is hereby, amended so as to read as follows:

"Article 7047. There shall be levied on and collected from every person, firm, associations of persons or corporation pursuing any of the occupations named in the following numbered subdivisions of this article an annual occupation tax, which shall be paid in advance, except where otherwise herein provided, on every such occupation or separate establishment, as follows:

"1. Itinerant Merchants.—From every merchant who may remove from place to place and offer for sale 'bankrupt stocks' of goods or advertising 'fire sales' or 'water and fire damaged stocks for sale,' for a limited period of time, there shall be collected one hundred dollars (\$100) per month for the first month or less than a month, for each place where such business is located; and for each additional month that such sales are continued at any given place, said merchant shall pay an additional sum of twenty dollars (\$20). Where they remain for six months or more in any place, in addition to the one hundred dollars (\$100) charged for the first month, they shall pay an additional sum of ten dollars (\$10) per month; and no itinerant merchant shall begin selling goods until said tax for one month or more is paid.

"2. Traveling Vendors of Patent Medicine.—From every traveling person selling patent or other medicine, fifty dollars (\$50), and no traveling person shall so sell until said tax is so paid; this tax shall not apply to commercial travelers; provided, no medicine peddler will be required to pay a second peddler's tax provided he has paid a medicine peddler's tax for the fiscal year.

"3. Itinerant Physicians, etc.—From every itinerant physician, surgeon, dentist, optometrist, oculist or medical or other specialist of any kind traveling from place to place in the practice of his profession, an annual tax of fifty dollars (\$50).

"4. Peddlers.—From each peddler of the class as hereafter set out, whether selling to consumer or dealer, an annual occupation tax in each

county in which he practices his occupation, as follows:

"In counties of less than 50,000 inhabitants, from each foot peddler the sum of seven and one-half dollars (\$7.50); from each push cart peddler, the sum of seven and one-half dollars (\$7.50); from each peddler on horseback, the sum of ten dollars (\$10); from each peddler using a vehicle drawn by animals, the sum of twelve and one-half dollars (\$12.50); from each peddler using a motor vehicle, the sum of twenty-five dollars (\$25); from each peddler using a sail or other boat on streams or along the coast or bays of this State, the sum of twenty dollars (\$20).

"In counties of more than 50,000 and less than 100,000 inhabitants, from each foot peddler the sum of ten dollars (\$10); from each push cart peddler the sum of ten dollars (\$10); from each peddler on horseback the sum of fifteen dollars (\$15); from each peddler using a vehicle drawn by animals, the sum of seventeen and one-half dollars (\$17.50); from each peddler using a motor vehicle, the sum of thirty-two and one-half dollars (\$32.50); from each peddler using a sail or other boat on streams or along the coast or bays of this State, the sum of twenty-five dollars (\$25).

"In counties of more than 100,000 inhabitants, from each foot peddler, the sum of fifteen dollars (\$15); from each push cart peddler, the sum of fifteen dollars (\$15); from each peddler on horseback, the sum of twenty dollars (\$20); from each peddler using a vehicle drawn by animals, the sum of twenty-two and one-half dollars (\$22.50); from each peddler using a motor vehicle, the sum of forty dollars (\$40); from each peddler using a sail or other boat on streams or along the coast or bays of this State, the sum of thirty dollars (\$30).

Provided, however, that where the occupation is carried on by means of motor vehicle or by vehicles drawn by animals a tax shall be paid for each such vehicle that may be used in plying such vocation. Provided, further, that in determining the population of each county in which the tax is collected reference shall be had to the last official United States census.

The term "peddler" as herein used means an itinerant or traveling trader, in town or in country, who carries his merchandise or commodi-

ties with him from place to place, or from house to house, exposing his, or his principals, goods or wares for sale and who then and there sells and delivers them to other persons or dealers; provided, that the term "peddler" shall not be held to include vendors of literature, or traveling vendors of fruit trees, or farm, or dairy products, or poultry, or live stock, meats, or vegetables, or fruits, or other country products.

5. Auctioneers.—From every auctioneer, an annual tax of twenty-five dollars (\$25).

6. Brokers—Stocks and Bonds.—From every person, firm, association of persons, or corporation, dealing in bonds and/or stocks, either exclusively, or in connection with other business, the sum of fifty dollars (\$50) for each town or city in which such person, firm, association or corporation maintains an office. For the purpose of this act, every person, firm, association of persons, or corporation whose business it is to negotiate purchases or sales of stocks, bonds, exchange, bullion, coin, money, bank notes, promissory notes, produce or merchandise, or anything else for sale for others, shall be regarded as a broker.

7. Brokers—Cotton and Cotton Factors.—From every person, firm, association of persons, or corporation following the business or occupation of cotton broker and/or cotton factor, an annual tax of fifteen dollars (\$15) in all towns or cities whose population does not exceed 25,000 inhabitants; and in all cities whose population exceeds 25,000 inhabitants, an annual tax of twenty-five dollars (\$25).

8. Brokers — Merchandise and Commission Merchants.—From every person, firm, association of persons, or corporation, following the business or occupation of merchandise broker and/or commission merchant, either at wholesale or retail, in cities or towns of 25,000 or less population, an annual tax of fifteen dollars (\$15); and in cities of more than 25,000 population an annual tax of twenty-five dollars (\$25). A commission merchant in the meaning of this act is every person, firm, association of persons, or corporation, receiving country produce, horses, cattle, sheep, hogs, grain, corn, hay, lumber, shingles, wood, coal, goods, wares and merchandise, or anything else for sale, to be accounted for to the owner when sold and charging a commission therefor. The provisions

of this section shall not be construed as taxing traveling salesmen.

9. Ship Brokers.—Every person, firm, association of persons or corporation engaged in the management of business matters occurring between the owners of vessels and the shippers, or consignors of the freight which they carry, shall be deemed a ship broker for the purpose of this act. Every ship broker shall pay an annual tax of twenty-five dollars (\$25).

10. Insurance Adjusters.—From every insurance adjuster, who adjusts insurance losses, whether employed by an insurance company, or companies, or by an adjustment bureau, or by the insured, whether a member of a firm, association of persons, or whether an agent or officer of such firm, association, or of any corporation, whether the charge therefor be paid by the insured or insurer, an annual tax of twenty-five dollars (\$25).

11. General and Special Agents.—From each and every person acting as a general or special agent of every insurance company that may transact any insurance business in this State, an annual occupation tax of twenty-five dollars (\$25). By "general agent" as used herein, is meant any person, whether a member of a firm or association, or as representative or employe, who may exercise a general supervision over the business of any insurance company in this State, or over local agencies of such insurance companies, or any person supervising such business, or any part thereof, as contra-distinguished from a local agent or local agency. By "special agent" as used herein, is meant any person, whether a member of a firm or association, or as representative or employe, who may exercise supervision in any executive capacity, other than of an officer of such company over the business of any insurance company in this State, or over the adjustment of losses or the placing of risks. But one payment of the annual occupation tax herein imposed shall be required of any one person under this subdivision.

12. Pawnbrokers.—From every pawnbroker an annual tax of one hundred fifty dollars (\$150).

13. Loan Brokers.—From every person, firm, association of persons, or corporation, doing business as loan brokers an annual tax of one hundred dollars (\$100), payable for each and every office in this State where a loan

broker business is conducted. For the purposes of this act, a loan broker is a person, firm, association of persons, or corporation pursuing the business of lending money and taking as security for the payment of such loan and interest an assignment of wages or an assignment of wages with power-of-attorney to collect the same, or other order for unpaid chattel mortgage, or bill of sale, upon household or kitchen furniture or utensils, or used or second-hand automobiles, or making any form of loan or acting as an agent of another in making said loan to persons and charging or receiving a brokerage fee of any kind of compensation other than the legal rate of interest fixed by laws of this State.

14. Money Lenders.—From every person, firm, association of persons, or corporation whose business is lending money as agent or agents for any corporation, firm or association, either in this State or out of it, an annual tax of fifty dollars (\$50). Provided, that if an office is maintained in more than one county, the State tax shall be payable in each county where an office is maintained; and, provided, further, that this tax shall not apply to banks, or banking institutions regularly organized incident merely to the real estate business, nor shall said tax apply to banks, or banking institutions regularly organized as such.

15. Credit Appraisers.—From each person, firm, association of persons, or corporation engaged in the business of inquiring into and reporting upon the credit or standing of persons engaged in business in this State, or acting as agent or business manager in this State, for any such person, firm, association of persons, or corporation, an annual tax of three hundred dollars (\$300). The payment of the tax evidenced by the receipt of the Comptroller of Public Accounts shall exempt the party paying the same from the payment of this tax in any county or to any city or town; and payment of such tax shall not be required of any sub-agent or correspondent of the party or company carrying on business in this State. This tax shall not apply to bona fide Retail Merchants Associations where the same are operated without profit and for the mutual benefit of those belonging thereto.

16. Street Car Companies.—From every street car company in this State, two dollars (\$2) per mile on

each mile of track owned by said company or corporation.

17. Theatres.—There shall be collected from the owner, proprietor, manager or operator of every opera house, theatre, tent, air-dome, or other structure housing theatrical or dramatic presentations, musical comedy shows, moving pictures or other entertainments or exhibitions given for profit, in cities, towns and villages under 1000 inhabitants an annual tax of five dollars (\$5); in cities, towns and villages of 1000 inhabitants and under 2500 inhabitants, an annual tax of fifteen dollars (\$15); in towns and cities of 2500 inhabitants and under 5000 inhabitants, an annual tax of twenty dollars (\$20); in towns and cities of 5000 inhabitants and under 10,000 inhabitants, an annual tax of twenty-five dollars (\$25); in towns and cities of 10,000 inhabitants and under 15,000 inhabitants, an annual tax of thirty dollars (\$30); in towns and cities of 15,000 inhabitants and under 20,000 inhabitants an annual tax of forty dollars (\$40); in towns and cities of 20,000 and under 30,000 inhabitants, an annual tax of fifty dollars (\$50); in towns and cities of 30,000 inhabitants and under 40,000 inhabitants, an annual tax of sixty dollars (\$60); in towns and cities of 40,000 or more inhabitants, an annual tax of seventy-five dollars (\$75). In each case the population shall be determined by the last preceding Federal census.

17a. Traveling Shows, Theatres, Etc.—Said annual tax shall be collected from the owner, manager, operator or proprietor of every opera house, theatre, tent, air-dome or other structure where theatrical or dramatic presentations, musical comedies, moving pictures or other amusements, entertainments or other exhibitions are given for private profit in such cities, towns or villages of the sizes aforesaid; provided, if any opera house, theatre, tent, air-dome or other structure is transported from place to place, and is used in the manner and for the purposes herein set out in more than one city, town or village, only one annual occupation tax shall be collected from the owner, proprietor, manager or operator of said opera house, theatre, tent, air-dome or other structure as set out in subdivision 17 hereof; provided, further, the payment of an annual occupation tax for any class as set out in subdivision 17 shall entitle the holder of such tax receipt to show in those

cities and towns of the same or lower class, and the showing or exhibition in a higher class than that for which a tax receipt is then held shall require the payment of a tax covering such class of cities or towns as shown in Section 17.

18. Circus and Shows.—From every person, firm, association of persons or corporation exhibiting performances such as a circus, menagerie, wild west shows, dog and/or pony show, or show wherein bronco busting, rough riding, equestrian or acrobatic feats are performed, or any other show, exhibition or performance similar thereto, or any combination of any of the foregoing, for which admission fee is demanded or received, for each day or part thereof on which performances or exhibitions are given, the following amount respectively:

(a) Where such shows and/or exhibitions travel on railroads and require transportation of:

	Each day
Not more than two cars.....	\$ 25.00
Three to five cars, inclusive....	40.00
Six to ten cars, inclusive.....	55.00
Eleven to twenty cars, inclusive.....	75.00
Twenty-one to thirty cars, inclusive.....	100.00
Thirty-one cars and over.....	225.00

(b) Where such shows and/or exhibitions travel by automobile trucks, or other conveyances, and require transportation of:

	Each day
Not over two loads.....	\$ 10.00
Three to five loads, inclusive....	15.00
Six to ten loads, inclusive.....	20.00
Eleven to twenty loads, inclusive.....	25.00
Twenty-one to thirty-one loads, inclusive.....	35.00
Thirty-six to fifty loads, inclusive.....	50.00
Over fifty loads, per load in excess thereof	2.00

Every show or exhibition which advertises itself as being any of those described in this Section shall be held to be such for the purpose of levying and collecting the occupation tax herein provided.

19. Menageries, Museum.—From every menagerie, wax-works, side show or exhibition connected with or exhibiting or showing in connection with a circus where a separate fee for admission is demanded or received, ten dollars (\$10) for every day in

which fees for admission are received; provided, that from any museum, menageries or zoological exhibition or combination thereof operated and maintained in any city or town and open for admission all continuously, in which a charge for admission is demanded or received, an annual tax of fifty dollars (\$50).

20. Carnivals.—From every carnival, an annual tax of one hundred dollars (\$100), which State tax shall be due and payable in each and every county in which such carnival shows or exhibit.

21. Wax-works, Etc.—From every menagerie, wax-works, exhibition, exhibit or display of any kind where a separate fee for admission is demanded or received, not connected with a theatre or circus, two dollars (\$2) for every day on which fees for such admission are received.

22. Wrestling Matches and Acrobatic Performances.—From every exhibition of a wrestling match or matches and every exhibition where other acrobatic feats are performed and an admission fee is charged or received, not connected with a circus or theatre, ten dollars (\$10) for each performance.

23. Sleight-of-Hand Performances.—From every sleight-of-hand performance or exhibition of legerdemain not connected with a theatre or circus, a tax of two dollars (\$2) for every performance.

24. Medicine Shows, Etc.—From every owner, manager or keeper of every show or company of persons giving exhibitions of music, songs, recitations, sleight-of-hand, gymnastics, dancing or other kinds of performances in a tent, house or elsewhere, which said exhibitions are used for profit by sale of medicines, electric belts or other articles of value, an annual occupation tax of fifty dollars (\$50), and a county occupation tax of two and 50/100 dollars (\$2.50) for every day such performance or exhibition is given.

25. Concerts, Etc.—For every concert where a fee for admission is demanded or received, two dollars (\$2); provided, that entertainments when given by the citizens for charitable purposes or for the support or aid of literary or cemetery associations, are exempt.

26. Rodeos.—From every rodeo exhibition wherein broncho busting, rough riding, equestrian, acrobatic feats and roping contests are performed or exhibited for which an ad-

mission fee is charged or received, a tax of ten dollars (\$10) for each day or part thereof such rodeo is held or exhibited.

27. Coin-operated Vending Machines.—From every owner, manager or exhibitor of every coin-operated phonograph, electrical piano, electrical battery, graphophone, weighing machines, target pistol, miniature golf machine, miniature football machine, miniature baseball machine, miniature race track, stereoscopic machine, stamp machine, gum machine, candy machine, cigarette machine, handkerchief machine, sandwich machine, or any other class or kind of machine, whether enumerated or not, where a fee is charged, which is used for the purpose of amusement, entertainment or for vending commodities, merchandise, confections or services of any kind and which is operated by coins or metal slugs or tokens similar to coins, where such fee is in excess of five cents (5c), an annual tax of ten dollars (\$10) on each machine; where such fee is five cents (5c), an annual tax of five dollars (\$5), on each machine; and where such fee is one cent (1c), an annual occupation tax of one dollar (\$1) for each machine; provided, that the provisions of this subdivision shall not apply to pay telephones and gas meters which are operated with coins. It shall be unlawful to operate, show or exhibit any of the machines or instruments covered by this subdivision without having annexed or attached thereto where same is plainly visible the tax receipt covering such machine or instrument for the current year for which same is operated, shown or exhibited.

28. Baseball Parks.—From every owner or lessee of a baseball park where admission fees are charged in cities or towns of less than 10,000 inhabitants, or within five miles thereof, an annual tax of ten dollars (\$10); in cities or towns of 10,000 and less than 25,000 inhabitants, or within five miles thereof, an annual tax of twenty-five dollars (\$25); in cities or towns of 25,000 inhabitants and less than 50,000 or within five miles thereof, an annual tax of fifty dollars (\$50); in cities or towns of 50,000 inhabitants, or more, or within five miles of any such city or town, an annual tax of one hundred dollars (\$100); provided that this schedule shall not apply to baseball parks owned or maintained in good faith by

educational institutions located in this State.

29. Race Tracks.—From every owner or manager of every race track, one mile or more in length, used for profit, an annual tax of one hundred dollars (\$100); from every owner or manager of every race track one-half mile or less in length, an annual tax of fifty dollars (\$50); provided this shall not apply to race tracks owned by private individuals and used only for training purposes, or in connection with agricultural fairs and exhibitions.

30. Skating Rinks.—From each and every proprietor, owner or operator of any skating rink used for profit, an annual tax of twenty-five dollars (\$25).

31. Shooting Gallery.—From every person, firm, association of persons or corporation keeping a shooting gallery at which a fee is paid or demanded, an annual tax of thirty dollars (\$30).

32. Nine and Ten Pin Alleys.—From every nine and ten pin or other alley used or operated for profit, by whatever name called, constructed or operated upon the principle of a bowling alley upon which pins, pegs, balls, hoops or other devices are used without regard to the number of tracks or alleys in the same building or place, or whether the balls or other devices are rolled or used by hand or otherwise, an annual tax of one hundred dollars (\$100). Any alley used in connection with any drug store, or place where tobacco in any form is sold, or upon which money or other things of value are paid or charged for the privilege of playing, shall be regarded as used and operated for profit.

33. Hobby Horses, etc.—From all persons keeping or using for profit any hobby horse, flying jenny or other device of that character, with or without name, an annual tax of twenty-five dollars (\$25).

34. Tax on Dealers in Cannon Crackers, etc.—From every person, firm or association of persons or corporation engaged in the occupation of selling cannon crackers or toy pistols used for shooting or exploding cartridges within this State, an annual tax of five hundred dollars (\$500), and counties and incorporated cities or towns in which such business is located shall have power to levy a tax of one-half the above amount as now provided by law in addition to the above tax, and such person, firm or

corporation so selling such cannon crackers shall be required to pay an additional tax in the above amount and take out an additional license for each separate establishment or place in which such cannon crackers shall be sold. By the term "cannon cracker" is meant any firecracker or other combustible package more than two inches in length and more than one inch in circumference, commonly sold and exploded for the purpose of amusement. Nothing herein shall be construed to prohibit the sale of or place a tax on the sale of cartridges, combustible packages or explosives commonly used for firearms or artillery, mining, excavating earth or stones, scientific purposes or for any public or private works.

35. Cigarette Dealers.—From all dealers in cigarettes in this State, an annual tax of ten dollars (\$10), a cigarette being the same as defined by the laws of the United States government; provided, that this tax shall be in addition to any other tax levied under the law. Every dealer shall be required to procure an annual license in every county and for each store or place of business in each county where he proposes to sell cigarettes, which shall be granted for no shorter or longer time than one year. The license shall describe the house and locality where the dealer proposes to sell cigarettes.

Sec. 2. All receipts issued to cover payment of occupation taxes herein provided, where issued to cover a place of business, shall be kept posted by the person to whom issued in a conspicuous place in said place of business so as to be subject to inspection at all times by State and county authorities. Those receipts issued to cover coin-operated vending machines or instruments shall be kept on, annexed or attached to such machines or instruments.

Sec. 2. Whoever shall pursue or follow any occupation, calling or profession, or do any act taxed by law, or exhibit any machine or instrument for which a tax is required to be paid, without exhibiting and displaying the tax receipt issued to him in the manner provided in this act, shall be guilty of a misdemeanor and, upon conviction, fined in any sum not exceeding fifty dollars (\$50).

Sec. 4. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 5. In the event any section,

subdivision or part of this act shall be declared invalid or unconstitutional for any reason, it shall not affect or invalidate any other part of this act.

Sec. 6. The fact that some sections of our present occupation tax laws contain errors, and some are vague and indefinite, and that there is need that certain sections and parts of the occupation tax laws be properly defined and clarified, and that the antiquated sections be reformed to the end that proper levy of taxes be made and collections be properly enforced, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Holder offered the following amendment to the amendment:

Amend committee substitute to House bill No. 251 by adding at the end of paragraph 4, immediately after the word "country products," the following: "raised or grown on the premises of the seller."

On motion of Mr. DeWolfe, the amendment was tabled.

Mr. Holder offered the following amendment to the committee amendment:

Amend committee substitute to House bill No. 251 by adding, immediately after the word "fruit trees," in paragraph 4, the words "or domestic manufacturers distributing their own products to retail dealers or direct to the home of the consumers."

The amendment was adopted.

Mr. Holder offered the following amendment to the committee amendment:

Amend committee substitute to House bill No. 251, in paragraph 27, by adding immediately after the word "sandwich machine" the words "pay toilets."

On motion of Mr. Keller, the amendment was tabled.

Mr. Holder offered the following amendment to the committee amendment:

Amend committee substitute to House bill No. 251 by changing the amount of a motor vehicle peddler where it calls for "\$25" to "\$15"; reduce the same peddler in the next paragraph where it calls for "\$32.50" to "\$22.50"; reduce the amount for the

same peddler in the next paragraph where it calls for "\$40" to "\$30."

Mr. Donnell offered the following substitute for the amendment:

Amend by substituting the figures "\$15" with the figures "\$10" in line 3, and the figures "\$22.50" with the figures "\$15," and the figures "\$40" to "\$30."

On motion of Mr. Holder, the substitute amendment was tabled.

Question then recurring on the amendment, it was adopted.

Mr. McCombs offered the following amendment to the bill:

Amend House bill No. 251 by striking out the enacting clause, to-wit, line 22, page 1.

(Mr. Metcalfe in the chair.)

On motion of Mr. DeWolfe, the amendment by Mr. McCombs was tabled.

Mr. Donnell offered the following amendment to the amendment:

Amend committee amendment for House bill No. 251 by adding a numbered subdivision to Article 7047, reading:

"36. Billboards.—From every person, firm, association of persons or corporations owning, leasing, renting or using any billboard upon which advertisements of any kind are exhibited or displayed, an annual tax of 25 cents for each square foot of advertising space in each such billboard; provided, that no tax on any single billboard shall be less than \$2 nor more than \$10. The tax collector is authorized to require the submission of sworn statements showing the necessary information for computation of the tax."

(Speaker in the chair.)

On motion of Mr. Kayton, the amendment was tabled.

Mr. Metcalfe offered the following amendment to the amendment:

Amend House bill No. 251, page 4, by striking out of lines 12 and 13 the following: "country produce, horses, cattle, sheep, hogs, grain, corn, hay," and out of line 14 the words "or anything else."

METCALFE,
JOHNSON of Dimmit.

The amendment was adopted.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Keller (by unanimous consent), House bill No. 1019 was ordered not printed.

On motion of Mr. Sanders (by unanimous consent), Senate bills Nos. 17 and 246 were ordered not printed.

RECESS.

On motion of Mr. Hardy, the House, at 5:35 o'clock p. m., took recess to 7:30 o'clock p. m. today.

NIGHT SESSION.

The House met at 7:30 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 842 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 842, A bill to be entitled "An Act authorizing the executor or administrator of estates, upon application and order authorizing same, to renew and extend obligations owing to or by such estates, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 457 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 457, A bill to be entitled "An Act to amend Articles 3152 and 3153, Revised Statutes of 1925, relating to contests of nominations for office in primary elections, so as to provide for an appeal to the Court of Civil Appeals from the judgment of the district court or judge in all cases of such contests, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 724 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 724, A bill to be entitled "An Act to amend Article 8222, Title 128, of the Revised Civil Statutes of 1925, so as to provide for the assessment and collection of taxes to pay interest on bonds and provide a sinking fund where bonds have been issued by navigation districts, and also providing for the levy and collection

of an annual tax not to exceed ten cents on the one hundred dollars valuation for maintenance, operation and upkeep of such navigation districts; providing for method of fixing the rate and levy of said tax and prescribing the property upon which said taxes shall be levied; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 260 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 260, A bill to be entitled "An Act amending Article 1672 of the Revised Criminal Statutes of 1925, by adding thereto a section authorizing the governing bodies of cities or towns of 5000 inhabitants or more, according to the last Federal census, to regulate the ringing of bells and blowing of whistles within their corporate limits, and declaring an emergency."

The bill was read second time.

Mr. Anderson offered the following (committee) amendments to the bill:

(1)

Amend by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. That Article 6371 of the Revised Civil Statutes of Texas of 1925 be and the same is hereby amended so as to hereafter read as follows:

Article 6371. A bell of at least thirty pounds weight and a whistle shall be placed on each locomotive engine, and the whistle shall be blown and the bell rung at a distance of at least eighty rods from the place where the railroad shall cross any public road or street, and such bell shall be kept ringing until it shall have crossed such public road, or stopped, and each locomotive engine approaching a place where two lines or railway cross each other shall, before reaching such railway crossing, be brought to a full stop; and the corporation operating such railways shall be liable for all damages which shall be sustained by any person by reason of such neglect; the full stop at such crossing may be discontinued when the railroads crossing each other shall put into full operation at such

crossing an interlocking switch and signal apparatus or shall have a flagman in attendance at such crossing.

Sec. 2. That Article 1672 of the Penal Code of the State of Texas of the Revised Criminal Statutes of 1925 be amended so as to hereafter read as follows:

Article 1672. Failure to Ring Bell and Blow Whistle.—Any engineer having charge of a locomotive engine while such engine is approaching a place where two lines of railway cross each other who shall before reaching such railway crossing fail to bring such engine to a full stop, or who shall fail to blow the whistle and ring the bell on such engine at the distance of at least eighty rods from the place where the railroad shall cross any public road or street, or who shall fail to keep said bell ringing until such engine shall have crossed said road or street or stopped, shall be fined not less than five dollars nor more than one hundred dollars, provided that the full stop at such crossings may be discontinued when the railroads crossing each other shall put into full operation at such crossing an interlocking switch and signal apparatus, or shall have a flagman in attendance at such crossings; provided, however, that the governing bodies of every city or town having a population of 5000 or more inhabitants according to the last Federal census may regulate by ordinance the ringing of bells and blowing of whistles within their corporate limits, and a compliance with said ordinance will be full compliance with the terms and provisions of this act and a sufficient warning to the public at such crossings as such ordinance may affect.

Sec. 3. That all laws and part of laws in conflict herewith be and the same are hereby repealed.

Sec. 4. By reason of the fact that the law now requires steam whistles on all locomotive engines and requires railway companies to blow such whistles and ring the bell on the locomotive at all public roads and street crossings, and by reason of the fact that the use of steam whistles is not at all times desirable, and by reason of the fact that the ringing of bells and blowing of whistles at each crossing in the incorporate cities and towns is unnecessary and creates a nuisance, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be

suspended, and that this act take effect from and after its passage, and it is so enacted.

(2)

Amend by striking out all above the enacting clause and substituting in lieu thereof the following:

A bill to be entitled "An Act to amend Article 6371, Revised Civil Statutes of Texas of 1925, which regulates the blowing of whistles and ringing of bells on locomotive engines, and Article 1672 of the Penal Code of the Revised Criminal Statutes of Texas of 1925, which relates to the ringing of the bell and the blowing of the whistle at crossings of public roads and streets, so as to provide that the whistle used shall not necessarily be a steam whistle, and to further provide that the governing bodies of cities and towns having a population of 5000 or more, may by ordinance regulate the ringing of bells and the blowing of whistles within the corporate limits; repealing all laws in conflict herewith, and declaring an emergency."

The amendments were severally adopted.

House bill No. 260 was then passed to engrossment.

HOUSE BILL NO. 1019 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 1019, A bill to be entitled "An Act limiting the amount of white perch, crappie or bass that may lawfully be taken in one day from the public fresh waters of Dallas county, Texas; prescribing penalties for violating this act, and declaring an emergency."

The bill was read second time.

Mr. Keller offered the following amendment to the bill:

Amend House bill No. 1019 by adding to Section 1 the counties of Henderson and Wise.

BURNS of Walker,
GILBERT,
TOWERY.

The amendment was adopted.

House bill No. 1019 was then passed to engrossment.

HOUSE BILL NO. 119 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 119, A bill to be entitled "An Act to amend Article 4200 of Chapter 8, Title 69, of the Revised Civil Statutes of 1925, relating to terms of sale of real estate made by guardians, so as to provide that a sale may be made of the equity in land securing an indebtedness; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 75 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 75, A bill to be entitled "An Act to amend Article 2266, Revised Statutes, 1925, regulating appeals in forma pauperis from county and district courts, and Article 2457 regulating appeals in the same manner from justice courts; simplifying the procedure, providing that the affidavit of the party appealing, stating his inability to pay or secure the costs, or any part thereof, shall be prima facie sufficient and conclusive, unless successfully contested by an officer or court, or a party, interested, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 358 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 358, A bill to be entitled "An Act to amend Articles 5353, 5354, 5358 and 5364, Division 2, Chapter 4, of the Revised Civil Statutes of 1925, relating to the sale of oil and gas leases, on coastal areas and unsold unsurveyed school land, so as to include unsold surveyed school land, etc., and declaring an emergency."

The bill was read second time.

Mr. Wagstaff offered the following amendments to the bill:

(1)

Amend House bill No. 358 by striking out in line 10 of Section 1 the words "oil and natural gas" and inserting in lieu thereof the words "the minerals."

(2)

Amend House bill No. 358 by inserting after the word "area," in line 8, Section 3, the following: "and one-sixteenth of the value of all other minerals that may be produced."

(3)

Amend House bill No. 358 by inserting the word "and" in line 10, Section 3, between the words "advance" and "an" and by inserting the word "thereafter," in line 11, Section 3, between the words "year" and "until."

(4)

Amend the caption to conform to the changes made by committee amendments.

The amendments were severally adopted.

Mr. Anderson offered the following amendment to the bill:

Insert words "not less than" between the words "for" and "one-eighth," in line 40, page 1; and same in line 1, page 2; also in (committee) amendment No. 2, and make the change wherever it occurs in the bill and amend the caption accordingly.

ANDERSON,
FARRAR.

The amendment was adopted.

House bill No. 358 was then passed to engrossment.

HOUSE BILL NO. 316 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 316, A bill to be entitled "An Act amending Articles 8291 and 8292, Title 129, of the Revised Civil Statutes of Texas, 1925, so as to provide that where a testator having a child or children leaves a surviving wife, who is the mother of all of his said children, and the principal beneficiary in said last will and testament to the entire exclusion of all of his children, that said Articles 8291 and 8292 shall not apply, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 799 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 799, A bill to be entitled "An Act to amend Section 2 of Chapter 141, page 210, of the General and Special Laws of the Regular Session of the Fortieth Legislature, and declaring an emergency."

The bill was read second time.

Mr. Dowell offered the following amendment to the bill:

Amend House bill No. 799, line 33, by striking out the words "its passage," and insert in lieu thereof the words "August 31, 1931."

The amendment was adopted.

House bill No. 799 was then passed to engrossment.

HOUSE BILL NO. 377 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 377, A bill to be entitled "An Act amending Article 2451, 1925 Civil Statutes, so as to provide that judgments will not become dormant where execution has issued on such judgments within ten years after a judgment was rendered, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 380 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 380, A bill to be entitled "An Act amending Article 3773 of the 1925 Revised Civil Statutes so as to provide that judgments shall not become dormant where execution shall have issued on a judgment within ten years after the issuance of a preceding execution, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 454 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 454, A bill to be entitled "An Act to amend Article 4469, Title 71, Chapter 3, of the Revised Civil Statutes of the State of Texas, 1925, providing for the registration and registration fee of importers and manufacturers of foods and drugs, and defining manufacturers and importers, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 87 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 87, A bill to be entitled "An Act providing that whenever any person shall procure the issuance of a policy of insurance on his or her life in any legal reserve life insurance company, and designate in writing filed with the company the beneficiary to receive the proceeds thereof, the company issuing such policy shall, in the absence of the receipt by it of notice of an adverse claim to the proceeds of the policy from one having a bona fide legal claim to such proceeds, or a part thereof, pay such proceeds becoming due on the death of the insured to the person so designated as beneficiary, and such payment so made, in the absence of such notice received by the insurance company prior to the date of the payment of the proceeds, shall discharge the company from all liability under the policy; providing, that the provisions of this act shall apply to policies in existence, as well as to all policies hereafter written, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 836 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 836, A bill to be entitled "An Act to amend Section 1 and Section 3 of Chapter 268, of the General Laws of the Fortieth Legislature, Regular Session, as follows: Amend said Section 1 to provide for a license for non-residents of Texas and aliens who shall fish in the waters of the State of Texas, and to provide for a license for residents of the State of Texas who shall fish with artificial lures of any kind in the waters of this State; and amend said Section 3 to provide penalties for the failure of persons to procure a license to fish where the same is required under this act."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 227 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 227, A bill to be entitled "An Act to amend Section 1, House bill No. 36, Chapter 48, Acts of the First Called Session, Forty-first Legislature, providing that all citations and notices issued by the county clerk on application for the probate of a written will or for letters of administration, or on application for the appointment of a guardian, shall be returnable to the court from which issued on the first Monday after service is perfected, and said returnable date shall constitute the terms of the probate court for action on said application so as to include therein all citations and notices issued out of the probate court under authority to be fixed for service of citations, and declaring an emergency."

The bill was read second time.

Mr. Ferguson offered the following (committee) amendment to the bill:

Amend House bill No. 227 by striking out below the enacting clause and inserting in lieu thereof the following:

Section 1. That Section 1, House bill No. 36, Chapter 48, Acts of First Called Session of the Forty-first Legislature, be amended to hereafter read as follows:

All citations and notices issued out of the county court in probate matters shall be returnable to the court from which issued on the first Monday after the service is perfected. All such notices and citations now required to be posted shall be posted at the courthouse door for not less than ten days before the return day thereof. All such notices and citations now required to be published shall be published once and said publication shall be not less than ten days before the return day thereof. All such notices and citations now required to be served personally shall be served at least ten days before the return day thereof. The time of the return of the notice for citation shall be fixed by the clerk in accordance with the provisions of this act.

Sec. 2. Where the law now requires more than ten days' service either by personal service, publication or posting in probate matters the same is hereby repealed so as to require only ten days' service, posting

or publication as herein provided. Any probate statute now in force and not expressly repealed by the other provisions of this act, using the expression "at the next term of the court," or "next regular term," or "during term time," or other similar expressions is hereby amended to the extent necessary to make such statute conform to this act.

Sec. 3. This act shall not affect the validity of any process that may have been issued before this act takes effect nor the legality of same even if served after this act becomes effective.

Sec. 4. The fact that our probate laws relating to proceedings in the county court are in confusion, creates an imperative and public necessity that the constitutional rule requiring bills to be read on three several days be dispensed with and that this act take effect from and after its passage, and it is so enacted.

Mr. Ferguson offered the following amendment to the (committee) amendment:

Amend Section 2 of committee amendment No. 1 to House bill No. 227 by striking out said Section 2 and substituting the following:

Sec. 2. All laws requiring service of citations, notices orders or other proceedings in probate matters for a period of time and in a manner different from that herein provided, and in conflict with this act, are hereby expressly repealed in so far as they conflict with this act, it being the purpose of this act to require only ten days' service, exclusive of the day of service, whether such service is personal, by posting or by publication. Any probate statute now in force and not hereby repealed by other provisions of this act, using the expression "at the next term of court," or "next regular term," or "during term time," or other similar expressions shall be so construed as to conform to this act, and are hereby amended and modified as to accomplish the purposes set out in this act.

The amendment was adopted.

The amendment as amended was then adopted.

Mr. Ferguson offered the following amendment to the bill:

Amend House bill No. 227 by striking out all above the enacting clause and inserting in lieu thereof the following:

"An Act to amend Section 1, House bill No. 36, Chapter 48, Acts of the

First Called Session, Forty-first Legislature, relating to citations and notices and the time of return in proceedings in the probate court; repealing laws and parts of laws in conflict, and declaring an emergency."

The amendment was adopted.

House bill No. 227 was then passed to engrossment.

HOUSE BILL NO. 684 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 684, A bill to be entitled "An Act to amend Article 1030, Revised Civil Statutes, 1925, so as to provide that the city council of any city shall have power to levy and collect an annual poll tax, not to exceed one dollar, of every inhabitant of said city over the age of twenty-one and under sixty years, persons exempt from the payment of the State poll tax excepted, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 991 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 991, A bill to be entitled "An Act to amend Article 1307 of the Revised Civil Statutes of 1925, and legalizing and validating certain notices heretofore given, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 381 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 381, A bill to be entitled "An Act to amend Article 7089, Chapter 3, Title 122, of the Revised Civil Statutes of Texas, relating to report of corporation."

The bill was read second time.

Mr. West of Coryell offered the following (committee) amendments to the bill:

(1)

Amend House bill No. 381 by striking out all below the enacting clause and insert in lieu thereof the following:

Section 1. That Section 3 of Chapter 68 of the Fifth Called Session of the Forty-first Legislature be amended so as to hereafter read as follows:

Article 7089. Report of Corporation.—Except as herein provided, all corporations now required to pay an annual franchise tax shall, between January 1st and March 15th of each year, make a sworn report to the Secretary of State, on blanks furnished by that officer, showing the condition of such corporation on the last day of the preceding fiscal year. The Secretary of State may for good cause shown by any corporation extend such time to any date up to May 1st, said report shall give the cash value of all gross assets of the corporation, the amount of its authorized capital stock, the capital stock actually subscribed, and the amount paid in, the surplus and undivided profits or deficit, if any, the amount of mortgage, bonded and current indebtedness, the amount and date of payment of the last annual, semi-annual, quarterly or monthly dividend, the amount of all taxes paid, or due and payable separately to the State of Texas, or to any county, city or town, school district, road district, or other taxing subdivision of Texas, for the preceding tax year, the total gross receipts of such corporation from all sources and the gross receipts from its business done in Texas for the fiscal year preceding, with a detailed balance sheet and income and profit and loss statement in such form as the Secretary of State may prescribe. Where a foreign corporation has not theretofore done business in this State and is granted a permit to do business in Texas, it shall file its first report as of the end of one year from the last day of month during which such permit was granted, within ninety (90) days of such date. Any corporation which shall fail or refuse to make its report shall be assessed a penalty of ten per cent of the amount of franchise tax due by such corporation, payable to the Secretary of State, together with its franchise tax. Said report shall be deemed to be privileged and not for the inspection of the general public, but a bona fide stockholder owning one per cent or more of the outstanding stock of any corporation, may examine such returns upon presentation of evidence of such ownership to the Secretary of State. No other examination, disclosures, or use shall be permitted of said reports except in the course of

some judicial proceedings in which the State is a party or in a suit by the State to cancel the permit or forfeit the charter of such corporation or to collect penalties for a violation of the laws of this State, or for information of any officer of this State charged with the enforcement of its laws, including the Comptroller of Public Accounts, State Auditor, and the State Tax Commissioner. Each report shall be sworn to by either the president, vice-president, secretary, treasurer, or general manager, and shall give the name and address of each officer and director. In order to provide a means for service of process to collect any franchise tax or penalties, and in all other cases, each foreign corporation shall, for such purpose, designate some person residing in this State whose name and address shall be given in each report. The State shall have a prior lien on all corporate property for all franchise taxes, penalties and interest.

Sec. 2. If the Secretary of State or any other State officer or employee, or any other person, having access to any franchise tax report filed as provided by law, including any shareholder who is permitted to examine the report of any corporation as provided in Section 1 hereof, shall make known in any manner whatever not provided by law the amount of source of income, profits, losses, expenditures, or any particulars thereof or any other information pertaining to the financial condition of the corporation set forth or disclosed in such report, he shall be punished by a fine not exceeding \$1,000, or confinement in jail for not exceeding one year, or both.

Sec. 3. That Section 5 of Chapter 68 of the Fifth Called Session of the Forty-first Legislature be, and the same is hereby repealed.

(2)

Amend House bill No. 381 by striking out all above the enacting clause, and insert in lieu thereof the following:

A bill to be entitled "An Act to amend Article 7089, Revised Civil Statutes, 1925, as amended by Section 3 of Chapter 68, Fifth Called Session of the Forty-first Legislature, and to repeal Section 5 of said Chapter 68 relating to franchise tax reports, penalties, and liens, and to provide a punishment for unlawful inspection or disclosure of such reports."

The amendments were severally adopted.

House bill No. 381 was then passed to engrossment.

BILL ORDERED NOT PRINTED.

On motion of Mr. Patterson, by unanimous consent, House bill No. 837 was ordered not printed.

ADJOURNMENT.

On motion of Mr. McDougald, the House, at 10 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills, as follows:

Criminal Jurisprudence: House bill No. 1020, Senate bills Nos. 375 and 382.

Insurance: Senate bills Nos. 41, 359, 393 and 420.

Appropriations: Senate bill No. 196, House bill No. 501.

Oil, Gas and Mining: House bill No. 533.

Agriculture: Senate bills Nos. 195 and 433, House bill No. 414.

The following committees have filed adverse reports on bills, as follows:

Revenue and Taxation: House bills Nos. 243, 528, 534, 551, 552, 573, 705, 878 and 895.

Agriculture: House bill No. 618.

The following committees have filed adverse reports, with minority favorable reports, on bills, as follows:

Oil, Gas and Mining: House bill No. 302.

Revenue and Taxation: House bills Nos. 223 and 769.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 215, A bill to be entitled "An Act repealing House bill No. 114, Chapter 68, page 181, Acts Forty-first

Legislature, First Called Session, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 689, A bill to be entitled "An Act validating, ratifying, and approving the acts and proceedings of the county board of school trustees, and county commissioners courts, relating to consolidation of territory to certain independent school districts, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 823, A bill to be entitled "An Act fixing the salary of the members of the commissioners court in counties having a population of less than 19,850, according to the last available Federal census; and in which counties there have been voted road bonds in a sum exceeding two million dollars; providing the method of payment, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 845, A bill to be entitled "An Act providing for the employment of a rural school supervisor in counties having a population of not less than 53,900 and not more than 54,000; providing for their duties, salaries, expenses, and qualifications; providing that counties accepting the benefits of this act shall not be required to hold teachers' institutes, but providing that the county superintendent may call meetings of the

teachers within his jurisdiction, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1014, A bill to be entitled "An Act authorizing the Governor, on the recommendation of the State Highway Commission, to convey title to land acquired by the State for highway purposes where after the acquisition thereof such land is no longer needed for such purposes because of a change in the route of such highway, or the abandonment thereof; authorizing the Governor to exchange one right of way for another; requiring the Highway Commission to fix a fair and reasonable value of such land; providing for the return of land donated to the State; making it the duty of the Attorney General to pass on the validity of such transfers, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 480, A bill to be entitled "An Act defining the north white wing zone and the south white wing zone, and amending Article 879a of Chapter 74 of the General and Special Laws of the Regular Session of the Forty-first Legislature, and Article 879b of Chapter 215 of the General and Special Laws of the Regular Session of the Fortieth Legislature, which articles relate to the open season on white wing doves and quail, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 434, A bill to be entitled "An Act amending Chapter 92 of the Acts of the First Called Session of the Forty-first Legislature of the State of Texas, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 48, A bill to be entitled "An Act amending Article 2956 of the Revised Civil Statutes of Texas of 1925, and repealing all laws in conflict; said amended article relating to suffrage and providing who may exercise the privilege of voting an absentee ballot, and prescribing the conditions under which said voting shall be conducted, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 455, A bill to be entitled "An Act making it unlawful to operate a vehicle for the transportation of pupils to and from any school or college without displaying a sign with the words 'School Bus' on the front and rear and each side thereof, and providing safeguards to passengers on entering or leaving same, from dangers caused by passing motorists, and providing for penalties for the violation thereof, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 648, A bill to be entitled "An Act amending Article 7058, Revised Statutes of 1925, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives:

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 972, A bill to be entitled "An Act to validate the organization and creation of all consolidated independent school districts formed through the consolidation of one independent school district and one common school district in counties having a population of not less than 39,104 and not more than 39,105, according to the Federal census of 1930; validating the acts of the county board of trustees, the commissioners court and all officials having a part in the creation of such districts in such counties; validating acts of the board of trustees of said district; validating all tax assessments and levies made by said districts, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1000, A bill to be entitled "An Act to amend Chapter 7, Title 121, of the Revised Civil Statutes of 1925, so that Presidio county shall not be exempted from the operation of Articles 6972 to 7008, inclusive, relating to the inspection of hides and animals; providing for appointment of an inspector of hides and animals for Presidio county, until the next general election, by the commissioners court of Presidio county; and further providing that should said court fail to appoint such officer, that the sheriff of Presidio county shall perform the duties of said office; making provision for the disposition of the fees collected by the sheriff of Presidio county while performing the duties of inspector of hides and animals; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 999, A bill to be entitled "An Act to amend Section 1, House bill No. 574, Acts of the Regular Session of the Forty-second Legislature, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 997, A bill to be entitled "An Act abolishing the office of district attorney in the Seventy-seventh Judicial District of Texas; fixing the duties of county attorneys of said district; fixing their compensation; repealing conflicting laws; fixing effective date of the act, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 996, A bill to be entitled "An Act to amend Article 3887 of the Revised Civil Statutes of 1925, as amended by the Acts of the Forty-first Legislature, Regular Session, Chapter 112, page 256, relating to the fees of the county attorney in any county having a population in excess of 100,000 inhabitants where there is no district attorney, so as to include any county having less than 100,000 inhabitants, but containing a city with a population in excess of 50,000 inhabitants, according to the last preceding Federal census and each succeeding Federal census thereafter, where there is no district attorney; providing a maximum compensation payable to him out of the fees collected by such county attorney, etc., and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 992, A bill to be entitled
"An Act establishing a county law
library in certain counties; providing
a fund to be administered by the com-
missioners court to be raised by col-
lecting fifty cents as costs in each
case hereafter filed in civil or crim-
inal county and/or district courts;
providing for appointment of a cus-
todian or librarian, and his salary;
providing for housing and manage-
ment; and declaring an emergency,"

Have carefully compared same and
find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 985, A bill to be entitled
"An Act providing for a rural school
supervisor in certain counties in lieu
of teachers' institutes; prescribing
the duties of said supervisor; provid-
ing for visits to schools of the county
and work in co-operation with teach-
ers; prescribing the salary of said
supervisor and how it shall be paid;
providing other things incidental to
said purpose, and declaring an emer-
gency,"

Have carefully compared same and
find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 892, A bill to be entitled
"An Act regulating the taking of fur-
bearing animals in certain counties;
declaring the wild beaver, wild otter,
wild mink, wild ring-tail cat, wild
badger, wild polecat or skunk, wild
opossum, wild raccoon, wild fox and
wild civet cat to be fur-bearing ani-
mals, and making it unlawful to take
any of the fur-bearing animals of
this State by means of a steel trap,
deadfall or snare, in the county of
Dallas; providing a penalty, and de-
claring an emergency,"

Have carefully compared same and
find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 825, A bill to be entitled
"An Act fixing the salary of county
auditors in counties having a popula-
tion of not less than 19,850 and not
more than 19,880, according to the
last available Federal census; provi-
ding for the method of payment, and
declaring an emergency,"

Have carefully compared same and
find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 812, A bill to be entitled
"An Act repealing Chapter 42, Acts
of the First Called Session of the
Thirty-seventh Legislature (the same
known as the Davidson road law), in
so far as the same applies to Harri-
son county, and creating a more effi-
cient road system for Harrison coun-
ty, Texas; creating the office of
county engineer, prescribing the
method of his appointment, and pro-
viding for his oath and bond, pre-
scribing his powers, duties, qualifi-
cations, term of office, salary, and the
method of his removal, etc., and de-
claring an emergency,"

Have carefully compared same and
find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 797, A bill to be entitled
"An Act making it unlawful to hunt,
shoot or kill any quail in Falls
county for a period of five years;
fixing penalty, and declaring an emer-
gency,"

Have carefully compared same and
find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 735, A bill to be entitled "An Act to authorize the State Board of Control to lease public grounds and property of the State for agricultural and/or commercial purposes; prescribing the mode and manner of making said lease, repealing all laws in conflict, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 170, A bill to be entitled "An Act to amend Article 324 of the Revised Civil Statutes of 1925, as amended by House bill No. 222, Chapter 254, Acts of the Regular Session of the Forty-first Legislature, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 417, A bill to be entitled "An Act to amend Article 1536, Revised Statutes of 1925, prescribing penalties for the transaction of business by foreign corporations in this State without obtaining a permit to do business in Texas, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 195, A bill to be entitled "An Act making it unlawful for any person acting for himself, or as an officer, or purported officer of any as-

sociation, firm or corporation, to execute or deliver to any other person, association, firm or corporation, any instrument in writing purporting to convey any land or interest in land within this State, when such person knows that neither he nor the association, corporation, or firm for which he is acting or purports to act is the owner of or has an interest in the land described in said instrument; and making it unlawful for any person, acting in his individual capacity or in behalf of such organization, to receive such instrument or to tender the same for record, knowing at the time of receiving or tendering that the person, firm or corporation executing such instrument was not the owner of the land nor the interest therein which said instrument conveys or purports to convey; providing a penalty for the violation of this act, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 955, A bill to be entitled "An Act amending Chapter 3, Title 51, of the Revised Civil Statutes of Texas, 1925, by adding Articles 3202a and 3202b, providing for the payment, by the guardians, or other persons legally liable, for the support and maintenance of children maintained and supported in certain State institutions and schools of Texas; authorizing the State Board of Control to fix the amount of such charges; make investigations concerning the ability of such persons to make payment thereof; providing the means and manner of collecting such charges, and for an additional method of discharge of such children from such institution, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 402, A bill to be entitled

"An Act to authorize the payment of the apportionment of the State and county available school fund, and additional tuition if necessary, to public schools in Louisiana, Arkansas, Oklahoma and New Mexico for the benefit of children who reside in Texas school districts on the border of such States; repealing all laws in conflict herewith, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 950, A bill to be entitled "An Act amending Section 8 of Chapter 274 of the General Laws of the Regular Session of the Forty-first Legislature, which chapter relates to the regulation of local mutual aid associations paying death benefits operating an insurance business and paying benefits where funds are provided by assessments on members and which Section 8 thereof relates to such associations being mutual in character, and providing for non-personal capacity by virtue of any policy issued or claims arising thereon, by adding to said Section 8 a provision authorizing such associations to issue policies of group insurance so that the same policy may cover the lives of two or more individuals who are members thereof, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 332, A bill to be entitled "An Act to amend Section 16a of Article 8308, Revised Statutes of 1925, so as to hereafter provide that whenever the Texas Employers' Insurance Association shall have accumulated, at the end of any calendar year, an admitted surplus in excess of incurred losses, expenses and unearned premiums or other liabilities amounting to the sum of two hundred thousand dollars or more, the

liability of its members to assessment under Article 8308, Section 15, shall be suspended and it shall be authorized to issue policies not subject to assessment, etc., and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 353, A bill to be entitled "An Act to amend Article 1811, Revised Civil Statutes of 1925, so as to provide for the appointment by the Court of Criminal Appeals of the State prosecuting attorney before said court, prescribing the duties, qualifications and term of office of said attorney; transferring all duties and matters now provided by law for the 'Assistant State Prosecuting Attorney' to the State Prosecuting Attorney, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 748, A bill to be entitled "An Act prohibiting the taking of more than ten (10) squirrels in one day or the possession of more than twenty (20) squirrels at any time; providing a penalty and repealing all laws in conflict herewith, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 356, A bill to be entitled "An Act to amend Article 4014, Revised Civil Statutes of 1925, which regulate reports required to be made to the Railroad Commission by corporations, companies and persons

issuing free transportation, by providing that such report shall be made as and when requested by the Railroad Commission of Texas, and fixing a penalty for violation of the law, repealing all laws in conflict herewith, and declaring an emergency."

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 427, A bill to be entitled "An Act providing that all officers and employes of the State of Texas, any county, or political subdivision thereof, including municipalities, who are members of the National Guard, National Guard Reserve, or Organized Reserves of the Army or Navy of the United States, shall be entitled to leave of absence without loss of pay or efficiency rating during such days as they may attend training ordered or authorized under provisions of law, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 555, A bill to be entitled "An Act amending Article 2033, Revised Civil Statutes, 1925, permitting citation to be served on the local agents of individual or partnerships supplying gas, water, electricity or other service to villages, towns and cities, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 905, A bill to be entitled "An Act requiring the judge of any court in which a defendant is convicted of driving a motor vehicle while under the influence of intoxi-

cating liquor to enter an order prohibiting such person so convicted from driving any motor vehicle for a period of two years; providing that a violation of such order shall be punished as for contempt, and declaring an emergency."

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1001, A bill to be entitled "An Act amending Article 614, Revised Criminal Statutes of Texas, 1925, governing roping contests; providing a penalty, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 877, A bill to be entitled "An Act providing that in all cases when weekly compensation due an employe or beneficiary coming within the terms and provisions of the Workmen's Compensation Act are paid before becoming due, whether such payment be authorized by the Industrial Accident Board or a court of competent jurisdiction, discount shall be allowed for present payment at 6 per cent compounded annually, etc., and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 515, A bill to be entitled "An Act to amend Section 2, Chapter 74, Acts of the Fifth Called Session, Forty-first Legislature, and providing the effective date hereof, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 818, A bill to be entitled
"An Act authorizing the commission-
ers courts of all counties adjacent to
the Gulf of Mexico to issue time war-
rants bearing interest not exceeding
eight per cent per annum to be used
in the payment either by outright
purchase, or after condemnation pro-
ceedings, of lands for right of way
purposes for an intercoastal canal,
and declaring an emergency,"

Have carefully compared same and
find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 386, A bill to be entitled
"An Act to amend Section 1, Chap-
ter 47, General and Special Laws,
Forty-first Legislature, First Called
Session, by adding thereto Section
1a, providing for the transfer of ter-
ritory and the organization of school
districts, and declaring an emer-
gency,"

Have carefully compared same and
find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 619, A bill to be entitled
"An Act providing for and authoriz-
ing the exchange between the State
of Texas and the Houston and Texas
Central Railroad Company of certain
lands belonging to them, respectively,
situated in Waller county, Texas, and
the execution of deeds of conveyance
effecting such exchange, placing the
land to be so acquired and conveyed
to the State in and under the posses-
sion, control and management of the
State Highway Commission and con-
stituting same a part of the right of
way for State Highway No. 6 in
Waller county, and declaring an emer-
gency,"

Have carefully compared same and
find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 713, A bill to be entitled
"An Act providing for the transfer
of title of certain lands to the State
Highway Commission, consisting of
two separate tracts, one being across
Copano Pass in Aransas county, the
other across Lavaca Bay in Calhoun
county, lying under, along and ad-
jacent to the causeways and their
approaches now under construction
on State Highway No. 57, and de-
claring an emergency,"

Have carefully compared same and
find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 844, A bill to be entitled
"An Act to create a State commission
for the blind to prepare and maintain
a register of those blind persons liv-
ing in the State of Texas in which is
shown their condition, cause of blind-
ness, and capacity for education and
industrial training; to set up a bureau
of information and industrial aid for
the blind, etc., and declaring an emer-
gency,"

Have carefully compared same and
find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 979, A bill to be entitled
"An Act to create a more efficient
road system for Mills county, Texas,
and making the commissioners of
Mills county ex-officio road commis-
sioner in their respective precincts,
and providing for the appointment of
deputies; defining the powers and du-
ties of the commissioners court with
reference to roads and bridges; pro-
viding for the appointment of road
overseers, and defining their duties,
and providing for and fixing their
compensation for certain labor; pro-

viding penalties for the violation of this act, etc., and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1015, A bill to be entitled "An Act to amend Articles 1740 and 1741 of the Revised Civil Statutes of Texas, 1925, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, April 11, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 993, A bill to be entitled "An Act to amend Article 529 of the Penal Code, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, April 13, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 536, A bill to be entitled "An Act to repeal Article 7065, and to amend Articles 7065a, e and j, Section 17, Chapter 88, House bill No. 6, Acts of the Second Called Session of the Forty-first Legislature, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.